

Criminal Court. Feby 1833.

Monday 25th Feby 1833

Prest

Ch. Justice Reid

Mr Justice Dyke

Mr Justice Rolland

The Grand Jury panel returned by the Sheriff consisted entirely of Canadians, and the Court selected one of them Andre Thivierge as being a person who could write & sign his name, to be foreman, and then addressed a charge to them explanatory of the nature of the oath they had taken and the duty they had to perform. —

The commission appointing Chas R. Ogden Esq. attorney General in the place of James Stuart was read. —

John Delish, the Clerk of the Crown, being absent, the Court swore in Alexander Delish to do the duty in Court during the session. —

Some bills of Indictment having been laid before the Grand Jury by the Attorney General for their proceeding thereon — They retired and came

back into Court and stated that they were
unable to proceed on the said Indictments
^{as they did}
^{not understand}
^{the English language} without the help of an Interpreter, and begged
of the Court to appoint some person for this
purpose — Cur. ad. null.

Tuesday 26th Feby. 1833

Present

Ch. Just. & Justices Pyke & Rolland

Minnally
2 Hatt. note.

On the question

A Commission was read appointing Alex^r
Morris Delish, Clerk of the Crown —

The Attorney General was heard on the
proposition made by the Ge. Jury yesterday for
an interpreter to assist them in their proceedings
and stated, that he had found no authority
directly applicable — That it appeared by some of the
Books that the Clerk who attended the Ge. Jury
was enjoined secrecy as to the proceedings before
them — but this was different from allowing them
an interpreter — That the Court could require their
Wit. to be examd. before the Court in pursuance of Ge. Jy
as had been done in other cases — Case of a Slave
before Co. Court of Chancery — Cr. Laws in E Indies
Court authorized to make regulations — not so here —
would suffer exp. of Wt being had before the Court —

Mr.

Mr. Cherrin was heard, who stated that he had
1. 317 chatty. found no authority on the point - but considered that
the Court was authorized to employ such means
which appears necessary to execute the law - and
that an Interpreter might be appointed -

Witness
speaks English
to be examined
before the Court;

The Court were of opinion that they could
not appoint an Interpreter to go upon the Gr. Jury
as it was out of the usual course, and was putting it in
the power of a single individual to control or mislead their
opinions either by error or otherwise - nor was there any
man in whom the Court could place that confidence -
That considering the shortness w^t of Dr. Pross^r were conducted
they must adhere to what had been established by his trial
& to cause the indictment to be read & interpreted in Court & all the

The King
Augustine Lebaud
Charles Peltier

On Indictment for Grand Juries
was then laid before the Gr. Jury -
30 Gallons de rum
30 " " peppermint
15 " " brandy

M^r. Abby a witness produced & sworn saying that
he can give his evidence in French the Gr. Jury
withdrew with the witness to their room in order
to examine him -

The Gr. Jury came into Court with the above
bill; & returned it not found. -

The King
William McKenzie

On Indictment for shooting at
one Michael Hughes w^t a pistol.
over by Consent till to morrow

The King
Augustin Gibaut
~~otherwise called Charles~~
Gibaut
John Smith & Wm
Lane —

On Indictment for Grand Larceny
In this case, the witness Thomas Green
was sworn and examined as a witness
in the prosecution presence of the
Court & before the Grand Jury — after
the Indictment had been read over to them —
the other witnesses Alexis Bellair, Frans Bellanger
and Mathieu Verzy, being sworn & declaring
they spoke French, the Gr. Jury then referred
to examine them in their room — and
afterwards came into Court & gave in the
Bill of Indictment not found. —

The King
John Cantwell

On Indictment for Burglary —
This Indictment was read & interpreted
in French to the Gr. Jury in the presence
of the Court, and the witness Henry
Desjep being sworn & declared he could speak French
he withdrew with the Jury to their chamber —
and having returned into Court gave in the Bill
a True Bill —

The King
n
Nazaire Chenette }

On indictment for stealing from
a shop above the value of
5/-

Jérémie Blanchard - en 1812 der. tout commis
chez Mr Storrow Brown & Norman Wilkins, en la
rue de Paul N° 55 - a vu entrer sortir le
Dr du magasin - et venu demander un papier
& quelques - et lui a dit que il n'en détaillait pas
le Dr - s'est retiré - & en sortant le Dr. s'est
appelé que il rachait quelque chose sous son
capot - il l'a poursuivi & l'a rencontré chez
un nommé Bruxton - l'a accusé d'avoir
volé au magasin - lui a dit de le fouiller,
le Dr. l'a menacé de la prison - alors il lui a
dit avoir vu un paquet d'un autre pour
sui, l'a mené au Dr. Gullion, où il lui a
livré les 2 paquets de couteaux & fourchettes
que il connaissait appartenir au Dr. Brown & Sons
& valent 25/- les paquets maintenant perdus
sont les mêmes qu'il a vu le Dr. il y a
12 couteaux & 12 fourchettes - ils étoient dans
le magasin de dom avant que le Dr. y eut entre
à contact le Dr. à la Police & remis les couteaux
& fourchettes au commable Malo -

Il y avoit des personnes
dans le magasin

dans le temps - a vu que le P^r cachait
quelque chose sous son Capot - l'a poursuivi
5 minutes apres - l'a rencontré pris de
chez Bonneterre - devant plus d'un arpent
le temps. l'a mis la main sur lui, & le P^r a voulu
se sauver - le P^r lui a dit, qu'il étoit
l'autre gars qui étoit avec lui qui avoit
pris les conteneurs & les lui a donné pour servir
qu'il y avoit deux paquets sur le comptoir
qui porteroient le même numero - lorsque le
P^r est entré & qu'ils mangiaient lorsqu'il
est sorti -

a vendu des paquets de conteneurs à des petits
gars, sans faire rembourser - ②

Sous le Malo - constaté le 16 Octobre der. il a vu
ces conteneurs fourrées du der. témoin. des
a en en sa poss^{ee}. Depuis -

Verdict. Guilty

Wednesday 27th Feby 1833

Prest
Ch. Justice & Justice Pyke & Rolland

The King
Hiram Spafford

On trial of Indictment for Piracy
The defendant being an alien moved
for a Jury de mes. ling. founded
on affidavits produced by him — It was
granted — The Atty Genl & the Defendant
consented to take the three Juries on the panel
who understand the English language and that
the Sheriff should return a jury of three others,
which was done —

Samuel Wentworth Monk. Prothon of K. B. produces the
Record in case of Adam Force v. Hiram Spafford
in a Civil action for a debt before the said Court.
The writ of C. ad resp.^m — the declaration — the
Plea — Application of record in the cause were
read — list of exhibits — a motion was made
to ex. Defd. on facts detailed & an order of the Court

^{+ the answers were taken by Mr Justice} Thereon for 9th June 1831 — The Defendant appeared
one of the Clerks & read answers — The Defendant was previously sworn
next day Defd^t by the witness — The interrogatories and answers
came into court were ^{now} read — Q^d. Interrog^t If the goods mentioned in
answers, the act were not sold by Puff to Boyce at the price

Therein

therein mentioned on the terms of payt. Thereon
mentioned & on his the Defendant undertaking
to pay for the same to the Plaintiff answers
that, he was not asked to become Security
for Roger to Plaintiff, nor did he do so. —

John Letherby also denies the undertaking to pay
for the goods

The Defendant signed his answers to the Interrogatories —

The cause was tried before a Special Jury
and a Verdict for Plaintiff for £160 — w^t. interest —
and costs awarded on that Verdict —

F

The answers of Defendant is in the hand writing
of one of the Clerks in his office — He was not
present — but Defendant appears in Court and
acknowledges his answers —

Produces a retraport filed by the Plaintiff of so much
of the demand as had been undertaken to be paid
for by the Defendant — This ^{is} ~~before~~ the trial. &
~~as he~~ certain admissions were filed by Dfndt
cannot say whether the answers of Defendant on
facts & articles were given in evidence before
the Jury — Thinks he saw the Defendant sign
his name, but is not positive — but never signs
his name where he does not sign his name with
a party who signs his name or acknowledges
his signature before him — saw him sign the
Powers

Adam

Adam Ferrie - No Dfde. W is a merchant in
Montreal - had transactions w^t Dft. in the
years 1826 & before - also in 1827 - In 1826 22nd Oct.
Mr. Dft. called on Puff & introduced a man
as Calib Rice, his brother in law - said that said
Rice would want some goods - Rice remained in
the ware house, while Dfde. spoke w^t W in a
dark room or office - The son of W was with
it W & Dfde. in the office - Dfde. desired to see
his own account as he meant to pay something
before he left town - Said that Rice was a
large land proprietor ab^t Sutton, wh induced
W to think that was name of place - & that Rice
wanted some things for his tenants there - Dfde.
ab^t Sutton was on the American side of the Line -
on this W refused to open an ac^t w^t any one
out of the Province without great security -
Dfde. represented him as a great prof. but W
refused - on this Dfde. said he would be
security w^t the greatest pleasure - W agreed -
L Dfde. told him he might charge the goods either
to the ac^t of Dfde. or his Rice's - but said
that Rice was more likely to pay if the goods
were charged to his, Rice's ac^t

W^t thinks a w^t b^t was sufficient to the guarantee
accorded to it, & it was agreed, that the goods which
Rice got were to be charged to him - and in his
books, it was ent^d Merchant Dr. to J. Rice

on guarantee of Spafford - The sum of £10
was present on this occasion - That Rice
was not in a situation to hear what passed
and the object of Defd^t was to prevent Rice
knowing that he had become security for him -
on the 22^d Oct^r the goods were purchased. on the
23^e the ac^t was made out where the goods were
delivered - was present when these goods were
chosen & laid aside by Defd^t & Rice - the other
part of the ac^t is dated 2^d Nov^r 1827 The amount
of the amount, being £41. 16. 2 the defendant
promised to guarantee to Rice & the goods
mentioned in the 2^d Nov^r 1827 £29. 1. 10 -
were delivered on the same guarantee to Rice
as Defd^t told Mr. that if Rice wanted
goods at any time he the defendant be be
guaranteed for him & of this last advance
he frequently approved the defendant &
when he saw defendant reported the pay^t
of these goods - when Defd^t always said
of Rice however I have paid you, he will
put me off - The W^r wrote to Rice, that
if he did pay his ac^t he would prosecute
his brother in law - but received no answer.
On 1 July 1830 defendant called to pay something
on ac^t & also to get some goods - he made
some pay^t & he was going to Quebec, would
call on his return & would pay something more.
The pay^t he made was on his own ac^t -

On this occasion the wife again called on D'Este
in Rice's absence when D'Este gave him to understand
that he would pay when he came back from
Dresden - Mrs. Adam Farris & Robt Stewart
were present - Said that he was much hurt
that his brother in law should behave so, but
that Mr the D'Este would see him paid, and
admitted the guarantee he had given on account of
Rice - this was on the 1st July 1830 - ~~saw his~~ saw
D'Este on his return from Dresden & he had not
got so much money as he expected & could not
pay any more - told W. to send a very threatening
letter to Rice, if he did not pay - the Defendant
would when he came back - W. never was
paid by Rice, and was obliged to prosecute
the Defendant - Rice paid on calling on the 2^d lot
of goods, which reduced the debt to W. to about
~~£50.~~ £50. 4. 6 the balance on the guarantee -

2-

It is from memory, as well as from the letter on
his Ledger that ^{by good cause} the guarantee was entered it is
written in handwriting of his son - There was
no specific sum mentioned to of the guarantee
was limited, but for whatever goods Rice might
wanted - The debts produced are true copies from
his books - Marks the entries would have been made
on the first of the month after the goods were sold.
That on 6th Septb. 1830. was the date of the last letter he
wrote to Mr Rice, threatening if he did not come forward
he would sue Defendant

when

when Rice made the 2^d purchase in p^t. Wks £30 - £5 when he came back he would pay the balance of his acct.

Procurer letter of 26 May 1828 - written by son of Mr. S. to Rice, stating balance then due demanded paid - bal. £12 a £15-

Adam Ferrie Jr son of last W^r & his Dept^t was present at a conversation between his father & Diffr about a guarantee for Rice in Novr 1829. & in July 1830 - In Novr 1829 Diffr came to the comp'ts house. Ferrie a/c to guarantee goods on his own acct - his father s^t. that he could have no further dealings w^r him until he paid the debt of Rice. Diffr s^t Rice was wealthy & it must be a neglect on his part - and requested W^r father to write to Rice & tell him to pay - his father did wrote - Dept^t then obtained goods on the promise he then made that he would see Rice's debt paid - About the end of July 1830 he heard Diffr hold nearly the same conversation w^r his father, that he would see him paid the debt Rice owed - And on both occasions admitted he had become the security for Rice - At the last conversation of Diffr, Robt Stuart was present - The conversation related to the balance due by Rice for the goods he had got

x

was told to take particular attention to the conversation of Depp - in Nov 1829, respecting his guarantee for Rice - & it was evident of attention in Rice he was a man of means liable to pay - told them to call him, Esquire - on his promise to pay Rice's debt, he got some goods on his own acct.

Robert Stuart - was in employ of A. Ferrie & Co - entd. in 1830 - As Depp - does not kn. Rice - In July 1830 was present at a conversation between Depp. & A. Ferrie - on 1st July 1830, Depp came abt. a few things from Ferrie - Ferrie had written several times to Depp. about Rice's debt - Ferrie told M to attend to what Depp. would say - as followed into office & F. speaks of the business, he told Depp. he must look to him for the debt, as he had written several times to Rice who had not answered Depp. told F. to write Rice once more, as he would be more likely to pay him than Depp. & if he did not pay him - In Depp. would pay him - understood from Depp. that he had become guaranteed the debt of Rice -

x

Entd. in May 1830 in F's employ - this conversation took place in July after - understood that F. had written to Rice - & has copied some of the letters -

the Day for Defendant - objected -

1st. Informality on the face of the answers to
the facts part. - it appears that Defd. appeared
and answered on the 9th & was sworn ^{only} on the 10th
June 1832 after answers taken. -

Answers not taken down by Procto^r but by
one of the Clerks - ref^s to order 1667. 1st. 10.
requires oath to be taken before the party answers

1. Pigeau. p. 141 -

Ruler Proc. 2d. 29 -

2d. Rul^r. Proc. in Ch. 331 -

1134. 3^d Sturtis. Ev. 8th Prying -

No identity of Defendt. 1138. Sturtis -

The agreement here was verbal - & when not
in writing there can be no prying laid on it -
2 Russl 519 - Am. Ed. & King. v. Johnston - 109.

2/12 -

2 Chells. 305. are not mutable - ^{a. l.}

The Atto General in answer - difference in between
Civil rights - & suit of the King - the answers were
declared to be true on the 10th June before the Court.
The answers might have been commenced on the
9th & continued to the 10th & the false swearing
on the 10th which is alleged in the Indictment -

The Court were of opinion that the process
was irregular in having taken the answers of the
Defendt. to the facts & articles before he was sworn
& directed the Jury to acquit the Defendt - Verdict. Not guilty

Thursday 28th Feby 1833

Pris^r

The Chap Justice & Justices By the Procurators

The King
William McKenzie

On indictment for maliciously shooting
at one Michael Hughes with a
pistol. —

The Prisoner claimed
the right to have

one half of the Michael Hughes - born in Montreal, in May
1799 who understood English language
last - On night of 12 or morn of 13 May last he
not being his was returning from Shop of Bellanger we & others
native tongue
and proceeded as they entd St Los. Street - he saw a crowd of 40 or 50
adult persons, a little above the Mercury gate - Mr Brown
first submitted that on account of the times, it was better to go two or three
to the opinion of Mr L'Allemont went on first - without consulting
the Court -

The Court were somewhat about the election - Mr L'Allemont said
of opinion that Hurra for Tracy - they went on to top of street
to the right he stopped them as they were to separate to go home - when
claimed & granted his application. This crowd followed them up the street - by a 3 of
return men sailors with Mr Dr - when Dr com
from L'Allemont if he was a Tracy man, he said
he was. The Dr then said I am too uttered a
loud & cried out Hurra for Tracy - & called to one
of the sailors give that man a clip - on this
was asked why he did not do so himself &
on this some words occurred, & Mr struck Dr
in full - got up & called who struck him -

W

Mr. A^r it was him - he vented a bullet &
asked again who struck him - Mr. A^r. It
was him - he then presented the pistol to
Mr. saying you are a dead man and fired
it at Mr. the contents struck his left arm
wounding him - on this one of the party Mr.
knocked him down - and they called for
the watch - two went for the watch - two
went somewhere else, and Mr. & Ahern remained
near the Dr^r - during this time Mr. perceived
that he had been wounded, he took the pistol
from the Dr^r who was lying on the ground
upon the Dr^r - took off his coat - saw 10 or
12 persons coming forward, called to them as
the watch - one of them produced a case
with which a dagger in it, another also
produced a stick, and they beat & ill-used
the Mr. - The Dr^r might be about 5 or 6 feet
from the Mr. when he fired the pistol -
The pistol in his opinion was loaded with
a small ball -

That the Dr^r made his escape - he came up
again to the Mr. laid hold of his vest, and
called to him to return him his pistol -

The pistol now produced is same he
took from Dr^r.

It was between 12 & one o'clock at night.

this happened - all those other persons with W^r
had been employed for Bellanger's - cannot
say. These persons had been working late that
night -

Took no clubs with them when they left Bellanger's
nor did they take sticks at any other place - not
one of his party had sticks -

The guard by the persons he saw at running back
other persons followed W^r & his party -

W^r & his party stopped when they came up to the
top of the street - the Dr. & his party followed -

The blow the Dr. gave Mr. was not with a stick
but knocked him down - never struck him
but once - no other person advanced on Dr.
to prevent him from rising - nor did he hear
Dr. forbid any one to advance on him as he was
armed. -

Dr. Robert Nelson - surgeon in Montreal - was called upon
on the morning of 13 May last was called upon by
Capt. W^r. He said he had rec'd. a pistol shot in his
arm - he was slightly wounded in the arm - thinks
it was gun shot wound - saw the manner in which
the w^r had his arm across his body when he rec'd
the shot, the discharge of the pistol the Dr. saw
he does not think it could have penetrated the
body

it could not give such a wound as would produce death — In 1815 he made several experiments — but so fact he could not wound a dog — at 6 feet he could wound him — and he thinks that a ball from such a pistol, the force of it must have been much diminished & perhaps wholly destroyed before the ball could pierce the cloths —

X

would not have sworn positively it was a gun shot wound on seeing it — but looked like such —

John Deagen — was in Montreal in May last
in service of Mr Boulanger — left the shop
between 12 & 1 in the morning w^t Hughes, Ahern
Peter Lavery & Cassidy — they came by the river
side till they got opposite St Joseph street —
Saw in the street a man with three others near
the running — Saw the man shaking the hand
of one Deacon — Hughes &^d then may follow
us a strike up a row, let us march two & two.
they then went on in this manner to the top of
the street on the place d'armes — The others behind
followed up, and shpt up to Ahern & asked
if he was a Tracy man — he &^d he was a Tracy
man but — but on withdrawg a little the man
cried out Hurrah for Bag — Ahern then said
he knew a dissembler — Mr requested & Ahern

never

never mind let us go home — The man then
said to one of the doctors, strike that man —
Hughes 2^d you would not do it yourself
and Hughes struck this man & he fell — on
this the W^s shpt up to separate them — The
man got up & asked who struck him — Hugh-
es said it was him — on this the man drew
the pistol saying you are a dead man
I fired his pistol — The W^s then struck the man
with his foot 2 or 3 times after he was down —
another Yarres man came up asked what was
the matter, they told him No care & I requested
of him to go & get Lavery for the watch, & the
W^s would stop them till they returned — Before
they could have gone far, a party came across
the place d'armes, and seeing Hughes with
his coat off they struck him & knocked him
down — The W^s cried out that this man Hughes
had done nothing — The W^s was also beat
by them —

Saw flask of the pistol — Hughes was wounded in
the arm — saw Hughes hold his arm up — when
the pistol was fired —

Did not see the man present the pistol —
he was distant from Hughes about 6 feet or upwards

L.

Had been at work till 12 o'clock, all the others

had

had not. —

There had been liquor used in the shop that night. —

Saw the man, knocked down once, but not a second time — was ~~then~~ on the opposite side of the street with the other persons — when the man was struck down H. advanced to prevent mischief suggested them all to go away. —

Peter Savory — was in Montreal on May last, in the night of 12 May last, he was proceed with four other persons from Boulanger's — came by the river side & turned up by St Joseph's Street came up then — saw 4 or 5 persons on the other side near the Brimley gate — they divided in two & two to pass more easily — passed by & then persons followed them — before he got to the top of the street heard some one cry out Hurrah for Tracy — they came to the top of the street, & when a man came up and said he was a Tracy man too — cannot swear to Dr — they were then going away — when this man noticing a little cried out Hurrah for Bay — he was not one of those dressed like a Sailor — when went towards him said he was a desemblor. The man ^{is} to one of the Sailors — said — strike that man — Gleugies ^{is} he would not do

so himself - and ^{Dagen who had reported him to be away} Hughes struck the man
knocked him down - he got up, and asked
who struck him - Hughes said it was him,
and that he would do it again - heard the
man say he was a dead man - heard a pistol
fire, by this man - Hughes might be then
distant about 15 feet from this man, when the
pistol was fired - the W² was not very near
at the time - Hughes ^d he was wounded but
very slightly - on this Dagen seized the man
who fired the pistol - That on Dagens ^{the} W²
went for the watch, & when they came back the
man was gone -

x.

The man was knocked down on the side near
the houses at head of S^r Jas. Street - W² & his party
were on the opposite side next the church. —
When man was knocked down Dagen went up &
wanted to pacify him -

James Athern - was at Boulanger on night of 12 May
last, slept it with Hughes Dagen, Avery & Fassidy
about 12 o'clock - came by then & went up to Dagen
Street, on going up saw 3 or 4 men in S^r Jas. Street -
could not recognize any of them - went up one side
& then men followed them - a man asked him if
he was a Treay Man - ^d he was this man said.
he was one also - He was going away, the man
cried

cried out he was a Bog man - he went to the Street towards No^r who told him he was a dissenter on this the man said, I will give a blow to that man - Hughes advanced, & as he would not do that himself & struck him - he fell - got up Larkins who struck him - Hughes & it was him, & that he would do it again if he did not go home - on this the man presented a pistol at Hughes & fired it, saying you are a dead man - the man might then be about 12 feet from Hughes at the time - Hughes said he was wounded - on this Deafen said he was a murderer & struck him & he fell - the wife leapt towards this man she leapt over him - was struck with a stick by some one -

They went up the Street to Joseph 2 by 2 to prevent any trouble with those on the other side - slept at head of Street on hearing some one cry out Hurra for France - had it not been for this they would all have proceeded quietly home - saw pistol afterwards with Hughes.

2

It was a Saturday night - kept there by the work to be done - They were settled with that night between 12 & 1 o'clock - They had supper at the shop that night -

Defence

Defense

Michael Hughes did not perceive at the time the pistol was fired that he was wounded, and not until he saw blood — Cannot say with what the pistol was loaded —

Elizabeth Burton — in May last resided at Mr McNeils
in St Joseph Street — a door of the Hospital just opposite.
She was up to a late hour on night of 12 & 13 May last
heard a noise in the street which awoke her — saw 5 men
coming up the street on the side of McNeils house —
heard them hurraing for Tracy — supposed them
to be drunks — ^{one or two of them had sticks}
some had a step with a bundle — she was alarmed —
did not take notice of any other persons in the
street at that time — could not hear their words, but
considered them as ill-disposed persons — and she
expressed her apprehensions that some mischief
might happen —

(2)

They were below McNeils when they cried out
Hurra —

William Ker — spent the evening out on 12 May last at
Mr Peacock in St. L. Sub. — was assailed on St. L. Hill
by a man who asked whether he was for Tracy or
Boag — he wanted to strike Mr. Ker knocked him
down — he met another man who pursued
him

him - he then came up to the corner of St. Jos.
Street where he saw some persons whom he
knew - while there the Dr. & Mr. Robertson
^{on Hayes}
Lanrother came up - while there they saw
some persons coming up the street - they
were at first all together - but separated
some on side, some on the other - when
they came up to top of Street - they called out
Hurrah for Tracy, dashed off the other party
& they were for Tracy - two of them had
sticks - one had a bundle - They recommended
to these men to go home - & Mr. & Mrs. & Dr.
Robertson were going away & left the Dr.
& Braxtonridge at the top of the street, near
Thayer's Store - these other men were on the
side next the Church - On hearing the
report of a pistol they returned, and
saw Dr. Lyng & about getting up, saying
he had been much hurt - these men were
near the Dr. & making a noise - The
Dr. required support, was hardly able to
stand, they assisted him to Thayer's corner -
& he went up the Street Notre Dame - was
at the head of St. Jos. Street, when he saw the
Dr. come down Notre Dame Street, and set

not come up S^t. Los. Street with Sailors -
Heard Dr complain 3 months after that he
still was sore and ailing -
Thinks the watchman got some of the sticks -
The Dr was quiet & peaceable when these men
came up where he was -
That it was not safe to walk the streets at
night without some means of defense - and
he knew that several persons carried fire arms
with them for their protection -

F

Saw 3 Sailors on S^t. Los. Street - had no conversation
w^t them - they were standing still near Thayer's
gate - will swear that Dr did not come up
the Street with these Sailors - saw Dr speak
with them - when the 5 persons were coming
up the Street the Sailors were near Thayer's corner
It was moon light - 2 had sticks - heavy sticks
Is satisfied that it was the same men with the sticks
when he came back & found Dr on ground -

Samuel Brackenridge, was in company of Dr. on night
of 12 May last - they met Mr. Lee & two other
gentlemen at the corner opposite Thayer's - W.
was coming going down Water Street towards
the Church - did not come up S^t. Los. Street -
Dr had been with W. from 8 o'clock & had not
been

been in S. Los. Street - when near the corner
he observed some persons coming up & crying
out Hemera for Tracy - some of them had
sticks - which they flourished in the air
in crying out for Tracy - Car, Shay &
Robertson went away, & Dr. remained with
Dr. There were 2 Sailors at Thayer's corner
to whom Dr. went over to speak - that 2
of them persons who came up S. Los. Street
crossed the street & walked down the Dr.
they came upon Dr. again as he was getting
up, he cautioned them not to advance as
he was armed - Mr. saw the sticks lifted
up - heard the pistol discharged - thinks
it was necessary for his defense, & he would
have done it - These persons made a
noise as if to provoke Mr. & Dr. to quarrel
but did not attack Dr. till the three
other gentlemen were gone - That it was
after Dr. had been knocked down & kicked
that the Dr. fired the pistol - Saw Dr.
in bed afterwards - ~~the~~

Loring - that it was the same party that
was coming up the street, who attacked the Dr.

Other

The Dr. M. asked them now why 4 of them attacked one in that manner - one of them said that he wished to prevent them but could not -

That Dr. at the time lived near the place in John Dame Street where this happened

x-

Knew that Dr. was armed before coming to the corner of the street -

It was before he was knocked down 2 times that Dr. fired.

Immediately when the Gentlemen went away
the men who came up & los blood hurried for
Taney & flourished their sticks. -

Wm. Menier, was Student with Dr Caldwell in May last. He that Dr. attend Dr from 13th May for about a month. Dr had been
severely beat, & had one or 2 ribs broken.
The Dr. was dangerously ill.

Robert Kirkwood - The Dr. lived at Mr Blackwood's in N. Dame Street in May last - Knows that about 13 May last he was much bruised & was confined to his bed 3 or 4 weeks - and continued convalescent some months after - understood from Dr Caldwell that Dr. life was in danger - & W. that so

James Blackwood - On May last Mr. P. lived
in same house w^t M^r in Blackwood house
in St. Dame Street - on 13 May the Dr had
been ill - and was confined to his bed
for about 3 weeks - his life was considered
in danger - & he tho' him so - Dr continued
for several months after convalescent -

John Houlding - Before the 12 May last there
was a great deal of alarm & excitement
in town - & people did not think it
safe to go out at night without being
armed - a M^r was himself armed
The Dr was assaulted & beat some days
before by one John Berry, when he was
in a great & painful state - Berry is
a strong & powerful man - a great
partisan of Mr. Tracy's -

The evidence being clouded, & the Jury
being charged by the Court retired, and
brought in a Verdict of Not Guilty

Friday.

Friday 1st. March 1833

BOSTON
Ch. Justice & Justices Ryke & Rolland

The King

vs. B.^r Johannet

{ An Indictment for Grand Larceny

Joseph Vallée - lives at the Tannery of Rolland
In October last a harness was left by him in his
stable & in the morning it was gone - it was complete
there was a collar, sellette - bridle & ganter - There
was a part of a harness belonging to P. Tierot
which was carried off at the same time - On
ask Wednesday he purchased the sellette of this on
a horse in the Market place - asked boy - who
told him it belonged to Dr. revert then, Dr.
P. not then - went into stable, found his
bridle there, which was changed - Is sure the
sellette & bride are his - he left the bridle in
the stable - he paid 7 dollars for the harness -
values the sellette at 5/- the bridle at 8/-
Got a search warrant went to the house of
Dr. when the sellette & bride were found, & taken
posseⁿ of by the Constable Malo - Is not very
certain that the collar is the same - but looks at
recognizes the sellette, bride & harness - values the
harness at 4 dollars & 5/- dollars when taken

L

point de bide
pointe d'arville
frontière

He may have sold similar harnesses to other persons
that have an similar bridles to that he lost -
said he was not very certain as to the harness
of Turcot when found, but never had any
doubt as to his own harness -

Philip Turcot. lives at Lannay. He lent a harness to
the last Clerk some days after St. Michael's last.
The same harness now produced - harness & bridle,
values at 3 or 4 dollars - was told that it had
been stolen - on last Ash Wednesday. The
Sellette & harness were found -

There may be other harnesses made alike - is
sure that the harness now produced belongs to
him. -

Louis Malo, Constable - went with a search warrant
on 22nd of Feb'y to house of P^r Mr. Vallee another
Constable - Mr. P^r was not there - but on search
found the harnesses now produced which were
claimed by Mr. Vallee - The bridle had been
changed, but recognized by Vallee - That the
P^r o^r that he had got the harness from an Irishman
on the market -

Heard that P^r had been at Quebec to give evidence
before the house of Assembly -

Digne

Defence

Arnabell Lapierre. Turblantier - Yes. The Dr for 8 or 9 years
past - sees him often - last summer - he had
two horses, some last spring - with harness - has seen
them often - he had harness like that now -
produced, on his horses according to his opinion -
saw the harness now produced or one very like it
on his horses all last summer - his opinion it is the
same - That similar harnesses are often sold
on the market - That stolen goods are often sold
on the market place and purchased by
honest people, who cannot afterwards find out
the person from whence he purchased them. —

2

Is 23 years of age -

PFBt Aumier. Seller, a great many different kinds of
harness are made in his shop - it would be
impossible for him to recognize all the harnesses
that go out of his shop - he would however know
his own work - There is a description of harness
made of ~~the description in a great many shops~~ in a great many shops
which are difficult to distinguish. —

The Dr purchased a collar from his uncle L.
et recognises it to be same now produced - Then
was a harness like that sold at same time -
That there a great many harness sold on the
market - honest people may thus buy stolen
goods & not be able to account for them - it has
happened to himself -

3

X

That it is difficult without a mark to know
a harness, after it has been used for 6 months -

Frank Cuty - has had many carts & carriages in his
service - he has lost & sold many harnesses.
There is a common kind of harness made in
many boutiques, which it is impossible to
distinguish - The Dr was in the service
of the wife - he always rendered a good
account of whatever he entrusted to him -
he employed him to sell wood for them for
2 months - Knows him for 5 years
& considers him to be an honest man -
The Dr came to borrow a calash from last Thib
last Sun^r - he had a harness, which he
knows to be the same now produced -
The wife has purchased similar articles
from strangers -

X

Catherine Morand, mother of Dr - he lives w^t. Mrs from
1st Sept^r last - since thatst time the Dr
has not slept out of her house, until he
went to Quebec - When Valle came to look
at the harness, he said, he tho^t it was his, but
was not too sure - & that he could not swear
to it.

The Dr has two other harnesses at the house. -

Sh

She has seen this harness on the prisⁿ horse
since the month of August last. —

Osther Morand, lives w^t Dr ~~for the last~~ since October
last. She was then in the service of Dr mother &
remained with her a month & half, afterwards
in service of Dr. The Dr. always slept at his
house — Observed he had the same harness
as that now produced, in Liph. last, on the
Dr's horse —

Appoline Parenteau — her mother is married to ^{Dr} ~~de la Roche~~
she lives w^t Dr since Oct. last the Dr has
always slept constantly at his house — he had
two horses three & 2 harnesses — he sometimes exchanged
horses & harnesses — he had the harness now produced
which he ^{had} ~~had~~ purchased from the blacksmith —

Verdict. Guilty. —

The King
^v
Joseph Lavigne }
Edward Gardner }
Martin Italy — }

Our Indictment for Grand Larceny.

John Patterson, a boy aged 13 years
being produced as a witness, and
being previously questioned by the Court as to his
knowledge and religious impressions, he was sworn —

says, does not know Dr Lavigne - has seen him in Gaol
does not know Gardner - has seen him in Gaol - has
seen Italy - does not recollect having seen these
P^rs in November last - does not know that he was
with the P^rs in November last - gave his deposition
at Police office - He went to a store for the things
of which were sent to the Police office - Store near the old
market - He was to stand watch & give notice if
any one came, while the others went to the store to
take the articles - That one of them went for a punch
pin to break open the door - They opened the door
and took out a box of tea and 2 boxes of raisins
a bunch of keys, which they threw away - Met
these persons near the stone bridge & they asked
him to go with them as they would pay him -
Saw one of the watch come up afterwards - he
seized the N^o. 1. and afterwards arrested another
person, cannot say whether it was any of those
who asked him to go with them - it was dark
he could not see - says, that in his deposition
he said it was the P^rs who went with him, but
he then named those who came in his head -
Saw the watchmen seize the smallest of the three
Italy - cannot say, that Italy was one of those
who went with him - Has seen the one in the
middle, Lavigne, in Gaol - Has declared in his
deposition, that Martin Italy & ^{Gardner} Lavigne were
with ^{him} that evening - Said that Italy & Gardner
went

went into the Stor & took out the tea and ~~raisins~~
but not Savigne - Told watchman that one of
three had a large knife, but does not know which,
but it was the tallest -

These persons took out some reeves, and one pair
of boot magasins - and also five other pairs of
molasins -

Ambraise Marville - The 24 Nov. last he was one of the
watch, & stationed at the wood market - heard
noise at the Bouthilliers Stor, called his comrade
went there - when the persons went off in pursuit
and caught the last with the others escaped -
The last wks told us where the things were - that
they made their report & went & found some articles -
They found behind at door of a hanged the Dr.
Gardener who was putting on one of the boot magasins
which the boy said was one of the books stolen and
that the P^r was one of them concerned in taking the
things - They then found 2 pds of reeves & another
pair a little further off - They then found a
box of tea, and two boxes of raisins, which the
last wks said had been taken in a yard where
there were carts loaded with goods. - The ^{box of} tea, raisins
and the reeves are the same he found -

That last wks told us that Savigne had a
knife, & would defend himself -

Joseph Augé - one of watch - he met w. last wks and
having

having heard noise, they were going towards him when he saw four or five persons who were run. They caught the little boy, the first with - he showed them when one of the boys was. - They found 2 pds of raisins - The boy told Webb that Laujou had a knife, & as there were but two watchmen he could defend himself - he went and showed them when they found a box of tea - and also 2 boxes of raisins - They also found the iron pin of a Truck with which the boy said they had forced open the store, and they also found other doors which had been forced -

George Meikle, lives at Argenteuil, in Nov. last he purchased some tea & raisins in Montreal - left instructions to be forwarded to him - they were put on a Cart & carried to Watson & Blak's The no. of the box of tea & the initials of his name & costs about 100[£] at 2/- per lb - his initials are also on the boxes of raisins, & he paid 7/- a box for them -

- Verdict. Not Guilty -

The King

The King. — }
Robert Loney. } On Indictment for a Highway
Edward Taberge } Robbery. —

James Abbot, Shoemaker, lived in Train Stile
of Dr. Suburb in Sandy Lane — was returning home
about 1 o'clock in the moon's light — near a place
called Visitation, near the bottom of Suburb —
he then met four men — he distinguished only one
of the P's Robert Loney — he was assaulted with
a stick — they allowed him to pass — immediately
after knocked him down with a blow of a stick
on the back of the head — & fire — he was then
seized by the throat — and one of them seized the
watch chain & tried to pull it out, he resisted
to save his watch, but they beat him so, that
he was obliged to give hold, & his watch was
pulled out so forcibly as to break the chain —
Silver watch, value £3 — a steel chain &
2 seals — they succeeded in take the watch — he
recognized the person who took his watch
was Loney — they then left him go, and he
proceeded a short way, when he was knocked
down again — opposite Mr Lee's house — cannot
say by whom — but by one of the same party —
he felt a hand in his pocket take his money — it
was Loney, he took a sum of 36 sols. 15 sols.

and five coppers - while Laney was taking his money the others went to beat him - then Mr. Mc called out Murder & called on Mr. Lee as he was near his house - no one came to his assistance - they dragged him from there up the street - they seized the right pocket of his coat and took out his pocket book, in doing wh. they tore the coat and carried off the book - I heard one say we leave him - down town, I believe we have done for him - The Clerk got home as well as he could - He did not then recognize the other p^r

P

Was coming from Mr. Corry's house Saturday night - was in company w^r Mr. Johnson - left Corrys about 11 o'clock, went to Smidens - Drank some beer at Mr. Corry's - not 2 cups - Met some more of his friends at Smidens, but took no liquor there to his recollection - he was not in liquor when he came to Smidens - was a little affected by it, but not deranged - Met Mr. Clark at Smidens - does not know Mr. Brown - On coming out from Smidens met a young man of his acquaintance in England, and went back to the New Market with him - does not think that he took any liquor

Aug 11 after he left Mr Barry's - It was not
a very dark night - rather clear - Thanks to
him I have distinguished the colour of a man's
dress -

He lost a watch in March last about 7 o'clock
in the evening -

that Loney appeared to have a gray coat that evening had seen him frequently before - Is certain it was him who took his watch - is certain he could not be mistaken - The expression, we have done for him, was ⁱⁿ English - Was told by Loney the father that his watch had been found - believes the watch now given him to be the same as was ~~found~~ he lost. -

William Lee. He the day at the Bar - It was in the
2. dist. on the morn of 23 Lent last he heard
a great noise in the street, a man crying,
murder - robbery - recognized it to be the voice
of the Abbot the last words - heard other voices
q.t. he did not recognize - W. was in bed at the
time - got up, he recognized Laberge's voice
but will not say it was him - believed at the
time that it was Laberge's voice he heard - Heard
Abbot. You murder, you rob me - L. S. we are
not robbing you, here is your lab - Laberge said
come along boys here's the watch - In the heat
Abbot speaks ^{to some men} near Vadeboncoeur - we returned

to his bed again - he went up 2 or 3 hours
that he heard Laberge's voice to one of his daughters
who said that Laberge was in the Country -
Did not hear Abbot charge the party with having
stolen his watch as well as his hat - did
not hear any thing about a knife -
When he heard the noise it was opposite his house
by the time he got up they had dragged him
at some distance higher up -
He might be mistaken, but believes it was Laberge
from his voice -

Defense. -

Stephen Ayers - lived at the Doney's on mounds of the
23^o Larry east - that evening he slept within
5 or 6 feet of the Dr. The wife of Dr. had gone
to the Country & Dr. slept with his brother - his
bed was along side the side the stove, & the bed
was covered with a carpet, & he slept in the fold
of the Carpet - Dr. went to bed before Mr. and
when Mr. went to bed, the Dr. & his brother
slept very sound - Mr. got up about 3 or 4
Clock in mounds, went out - The Dr. slept more
on the side of the bed of his father & mother - ~~Does~~
Remember that Dr. in the mounds asked his mother
for his trousers - Knows that Dr. had been much
employed in working for some persons, and disposed

to sleep. They generally go to bed about 8 o'clock
in the evening -

The Dr has a hasty temper - and speaks harsh
with his brother - There was some little difference
between him & his father, about his marriage - and
the wife used to abuse himself -

L.

There are two doors from the street to this house
of Loney^{in front}, and a back door - The Dr could get
to the street from the room where he slept by one
of the street doors -

W. generally sleeps sound - The Dr might have
~~got~~ up without his knowledge -

Hear'd nothing about the brawlers by Dr before he
went to bed the evening before when Dr went to bed

Louis Loney father of Dr On the night of 22nd Jan'y
but he slept in the adjoining room to the Dr the
bed room door open - about 10 o'clock he got
up from noise on the street - when he got up
the Dr was asleep in his bed - The Dr went
to bed the evening before he lay down with his stockings
~~on~~ brawlers on, his other dress being off - when he
got up about 12 or 1 o'clock, I don't know what
Dr. was then he slept on the head of the Dr &
put his hand down & asked if ~~that~~ was him -
he opened the window and saw two soldiers,
and

and heard them say it was time to go home
as it was between 12 & 1 o'clock - That
about 1/2 past four he called the Dr who
before he got up called to his brother for his
trousers, who had put them on the wash hand
stand - The day before the Mr & the Dr had
been buying grain for different persons -
and Dr. had carted 20 or 25 loads from Molvin's
to Dunn & Davis that day - thinks he must
have walked in all their journeys from 25 to
30 miles -

Susannah Bills - has lived 5 months in Lony's house
has known Dr. for 5 years - thinks the Dr
slept in the house the evg of 22 Jan'y last, as he
was in the house when she went to bed, and
heard his father call him in the morn about
12 O'Clock - The Dr. to go out from his room
must have gone thro' 2 doors one of which was
locked - does not think it possible the Dr
could have gone out without her hearing it -
Hear'd a noise, she asked Lony what it was
and it was a mouse in the shed -

Margaret O'Brien That on 22nd Jan'y last, when the
Dr. went to bed, she took his trousers & stockings

to dry them, and when the Dr^r asked for them
in the morn^g - she found them on the plan
she put them the evening before -

X³

The Dr^r has a grey Capot, which he
generally wears -

Joseph Brown - has seen Abbot several times -
saw him on the evenⁿ of 22^d last - at
Mr Hunt's tavern behind the Barracks - it
was about $\frac{1}{2}$ past eight - he staid till about
11m - he was disengaged with liquor, and
Mr Hunt refused to give him any more -
Abbot tried to get into that house again
about 11 o'clock the same night, but Mr
Hunt refused to let him in, as he was in
liquor - he remembers that next day he
heard Abbot had lost his watch - Has
seen Abbot in liquor several times -

Edward Haughton on the night of the robbery - It was
at Smedes ^{between 9 & 10 o'clock} ~~about 10 o'clock~~, saw Abbot there - he
was much in liquor - he staid there about $\frac{1}{2}$ hour.
Abbot still knew what he was about - he went
down stairs quickly -

Wm

Wm Burns. His abbot & has seen him frequently
in liquor - has seen him in the street so
much in liquor as to fall -

Narcisse Henry. That on a day last he found
the watch now produced - he found it in
Mr. St Lawrence Sub. about the 20th Jan'y
last - ~~it was~~

Joseph Dubois, lives at Longueuil - He was at
home of Ws on the evening of 22nd last
he slept in the same bed with Ws - Ws
had gone out to a party & when he came back
found him in his bed -

Charles Verne lives at Longueuil - on the 22nd last
last he was w^r P^r & saw him about ten
o'clock - afterwards about 2 or 3 o'clock
the wine was not then taken -

Verdict. Not Guilty. as to both P^r

Saturday 2^d March, 1833.

Pres^t

Ch. Justice, & Justices Pyke & Rolland

The King. — {
Simon Talbot } On Indictment for stealing a mare

Jean B^te Meloche, of Lachine, in Nov
last saw the P^r there, he had a white mare with
him - cannot describe other marks - he bargained
with son of W^r for the sale of the mare - W^r
asked the price. P^r asked 25 dollars for her -
W^r offered 15 dollars. P^r agreed to take it - then
W^r looked at the mare again and she was
worth more - said he had bought her in the
Colonies, he was a dealer in horses, & had got
the mare for 10 dollars - That he had a partner
in the business - W^r offered him 10 dollars. The
P^r refused, but agreed to take 12 dollars - on
this he stopped the P^r suspecting he had
stolen her, & carried him before Mr Duff, the
Magistrate, who directed him to bring the P^r
to town, and the carriage to Police office - On
the road, he met with the steward of Desperance
who said he was looking for the mare and
recognized the mare as the property of his
Master - W^r carried P^r and mare to the house

f

of Desprance, where he delivered the man
to Mrs Desprance, who said ^{the man} she belonged
to her husband -

That when at the house of Desprance, the
Dr. said that on his road to Lachine, he was
overtaken by a man with the man, who
offered him to take a ride - he got on the
man - & rode on, the man told him to stop
he did so till he got out of sight, and
when he arrived at Lachine, he not seeing
the owner of the man and not knowing
what to do with her, he thought it best
to sell her to get quit of her. - value man 50 dollars

X

Did not think it any thing extraordinary
that the Dr offered a man for sale - it was
only the price, that caused him suspect the
man was stolen -

Henry Talon Dr Desprance, lives in Montreal - in
Nov last he left home to go to Dorval and
Berkley - returned home on 6th when he
was come there he saw the Dr sitting near
the door, and Mrs Desprance told him the
man had been stolen & found in the possn
of the Dr. Man is blanche, value 50. dollars
When he spoke to the Dr of the master,
and

and
when & in what manner he had taken her
the only thing he said, he could clear
himself very well of it -

When he left town ^{and the man} his man was in his stable
he had no other man but that one -

The Dr. appeared as if he had been drinking -

that Meloche was in his house when he
came home, and told him that he had found
the man in the passⁿ of the Dr.

M. P. Dr. Meloche, brot up again, says, that he saw
Mr. Desperation the same day, at the Count
House & told him he had found his man
in the passⁿ of the Dr.

x^o

We did not go into the stable, I did not
show the man to Mr. Desperation -

Julie Chaput, wife of Mr. Desperation, lives in N. Dame
Street - her husband was from Paris in France
when he went away he had a white
man in his stable & during his absence, that
servant told her the man had been stolen -
told him to search & go to Ferry boat - came
back did not find the man - told him to go
to Lachine - he came back with Meloche
first with the Dr. and the man - which
man she knows belonged to her husband, and
was the only man her husband -

x^o

x

The door of the yard is on the street & is often open - cannot say that it was shut the evening of 5 Nov^r. The stable door did not lock. -

Defence -

Pierre Thibault - lives at Sorel - he has travelled about Montreal - met the Dr^r at Lachine had seen him at Montreal before - he worked in the steamboats - as did also the Mr^s - Some days after Tourist he met at Dr^r who was going to Lachine, he met him at a Cantine on the road - The Dr^r said he was going to Lachine to look for work - went about $\frac{1}{2}$ league beyond Lachine - on the road a man followed them on horse back, an white coloured man, who asked them if they knew where he could sell the mare - the Dr^r he did not - he was a stranger himself - on this this man gave the mare to the Dr^r to sell, and to do as for himself - that the man s^d he would wait for him on town & he would wait his answer at one Beriot's - as he had other horses for sale - always considered Dr^r as an honest man -

Mr^s is in Gaol - a pris^x - the Dr^r was always friendly
wt.

with him - He is in same room with the
Pr^r has spoken to him once or twice of this
accusation ag^t him. -

Verdict Guilty. -

The King } On Indictment for Burglary -
John Cantwell }

The Prisoner claimed a right to have
six of the Jury who speak ~~the~~ or
understand the English language, as that is his
native tongue, this was acceded to by the Ct^r
General, and directed by the Court. -

Henry Jessop, lives in Montreal - was there on Decr last
on Citadel, N. Dame street - the gate way is on the
street - about 9 or 10 o'clock he went to bed, on
10^r Decr last - There is only one front door down
which was shut - there is a back door, which
was closed, but not locked - In the night time
a little after two heard a noise, came down stairs,
he went in two rooms, found noth^s - went into
library, of^r was shut, but he put his foot on the
something cold, & looked down found piece of wood
& saw shadow of a man lying on the floor - he
had a pistol w^t of^r he was armed, looks closely
he saw a man whom he was convinced was
the Pr^r he had no hat, nor shoes on - but was
clothed

clothed in the same way. - He was round shouldered, and from having been in his service & left it only the day before, he was convened it was the Dr^r of the prevent him from firing - Demanded of the servants below if they had allowed the Dr^r to come in, they denied it, and on this he directed them to call Mr Garth the neighbour - he returned & locked the library door thinking he locked the Dr^r in, but not recollects there was another door by which he could escape - he went up stairs put on his trousers & slippers, and came down again, into the ^{buttery} ~~Dining~~ room, where he found a quantity of Soap, a lantern, a pot of Confiture & some other articles laid together in a heap as if ready to carry away - That in the library there was a small table, which won the Mrs Desrope's keys - this was broken and with the keys, the pantry was opened & the above articles taken out - In this last he found the key of another table in which the money was, w^t he carried off, and carried off also the keys w^t him - he took up the remains of wax candles to his bed room - found a candle stick under the sofa near the place where the Dr^r was lying down - Next morn, he examined to find how the person continued to get out - saw the marks of a foot without shoes which had left traces in the snow.

all these articles were shut up in their proper place the evening before - The Dr. was in the habit of going out every day - This had been infur, & noted among having gone out, he was not there when we came home about 2 o'Clock - That 2 or 3 days after, when the Dr. came for his things, the Mr. took him in custody and conducted him to the watch house -

After the Dr. went off, in the night - the Mr. went & examined the doors, found them shut - the back door has a latch of it is closed by the weight of draws to the door -

There were 4 half Sovereigns and 3 five dollar notes which were carried off - which money he believes was there the night before -

a bunch of Keys - six cakes soap - value of one pot sweetmeats value 5/-

L-

The Dr. had been in his service from 20 Nov^r to 10 Decr. he was in the habit of going out every day, & come home in liquor -

On asking the Cook if she shut the door, she said at first yes, but on a second question, she said no, which the Dr. induced her to suspect her -

Cannot say whether the back door was shut that evening or not ~~as the house~~ - There were 3 female servants in the house - who slept in a room below adjoining the kitchen -

The Cook left his service two or 3 days after -

a, did the other two women servants —

That on going into the library, & taking up the fire of wood under his foot, he observed by the candle in his hand the shadow of a man lying close by the sofa, but the sofa and two tables were between it & this man — he then moved to another part of the room so as to come nearly in contact w^t the man but and in this situation he formed his opinion as to the identity of the person lying on his face apparently asleep. — he did not see his face — from same clothing of Dr always wore in his service & his right shoulders he judged that it was the Dr

That McEachern, who has the care of water works has a right of way through his yard to have the care of the water works — he keeps the key of the door, — & the communication w^t the water works is separate from the water works —

Other servants had the same privilege with the Dr to go into the different apartments of the house —

Defence —

John O'Leary lives in Montreal, he Dr for 5 years — in the night of the 10th Dec. last he was in company of Dr at Mc Ghan's in St Peter Street — where he remained w^t him till 9 o'clock next morning — slept in same bed w^t him — That

the

the door of the room was shut — he awoke in
the night time, about 1 or 2 o'clock — cannot say
exactly — the Dr. was still with him in bed —
I remained till next morning — about 8 o'clock I
found door in the same state as when they went
to bed — does not think Dr. could have gone out
in the night without being perceived by Mr.

Dr. had always a good character —

That it was the day night of the day the Dr. left
the service of Mr. Lissajous that Dr. slept in his —

=

Patrick Mc Garry, lives for 9 years in Montreal, keeps
a grocery store — Is Dr. for 2 or 3 years — Dr. came
to his house on 10 Decr. last — some time in the
evening and remained all night — The last Dr. was
with him — Mr. was backwards & forwards —
Mr. went to bed about 9 or 10 o'clock slept there
men together — he closed the outside doors before he
went to bed locked it — heard nothing in the night
time — it was possible to have opened the door without
his know — next morning about 7 o'clock when he got
up found door in same state, and the Dr. & Dr. Leary
were in bed — Dr. Leary awake & Dr. asleep —

Always heard a good character of the Dr.
as he belongs to a good family — has a brother two
brothers who are priests — has lived w^r several gentlemen
in town —

x

Leary could not see Mr. shut the door from him when
he was sitting —

Michael Farrel, lives for 8 years in Montreal, labored
as P^r upon he came to Canada for 12 years.
he always had a good character - he is connected
with a good family - a brother & 2 uncles an ~~Ferryman~~
He has lived w^t several gentlemen in Montreal
who were always pleased w^t him -

Elizabeth Miller - Has lived w^t Mr Lissup in her flat
for one month - was there when the P^r left the
house - it was in the forenoon - On that night
she was disturbed by Mr Lissup - she slept in
a room off the kitchen - She locked the kitchen
door herself - and the girl told her she had shut
the outer door -

That soon after Mr Lissup left her door, she went
up stairs with the other girls - saw Mr & Mrs
Lissup in the library - Mrs I. showed the things
which had been broken, & when the money had
been taken - did not hear him say that he
suspected any one - but asked her if she had
let the P^r in -

Thinks that the passage door leading into the yard
could not be opened, as the target was nearly down

F

W^r was told by Mr Lissup that she must leave
the house next day, as she was suspected to
having let in the P^r -

Told Mrs I. that she had ^{locked it} kitchen door & told
the other woman that if Mrs I. asked if the outer door
was shut to say it was - thinking the weight was
sufficient to shut it - a person going out & draws
the door after them might shut it in the way it was -
Mr Lissup P^r he thought it was the P^r

Michael Nugent - has lived 17 years in Montreal, has known Dr. for 3 or 4 years - always heard w
good character of them -

James Gleason - lives in Montreal - has Dr for 3 or 4
years - his character has always been good

Judg. Not Guilty.

Monday 4th March 1833. -

Pres^t
Ch. Justice & Justices Pyke & Rolland. -

The King
v.
Antoine Huot }

on indictment for feloniously and
maliciously maiming & wounding
an ox the property of Dr Mallet -

Dr Mallet, lives at Chateauguain to Dr who
lives there also distant about 40 acres from Mr
M. has a land there of. joins one below it to Mr. of
was damaged last year - Mr. pastured his cattle there
about 7 Octo last he was told that one of his oxen
on Dr's land had been wounded - he went there
& found that his ox had been wounded - on the tail
& on the hump - That he ploughed with the ox,
and

let him loose, and next day found that he had received a wound on the shoulder, and lying on the land of the Dr. he was unable to walk - The Dr. told him that it was him who did it - obtained a warrant against Dr. who wished to settle w^t. W^r. - W^r had had a law suit with Dr. but he still went to the house of Dr.

That about the end of Augt the fence of Dr. had been broken - a barbed broken -

The Dr. & P. when he acknowledged to have wounded the ox, it was from frustration -

X-

The ox was a quiet animal, and never did injury to any one -

Dr. Leclercq fils - of Chateaugay - Dr. lived 2 meghan from him - In morn he saw Dr. w^t his ox in his hand, he was prouning the ox of Mallet, he threw the ox at him & struck the ox, but he was not near enough to know what injury was done to the ox - Saw ox four or 5 days after he had a wound on the tail & one on the hunch when he saw the ox thrown by P. it struck the ox on the side - That Mr. gave information to Mallet that he had seen the Dr. running after the ox & threw his ox at him -

The ox may have struck the ox on the tail -

X

P-

That the ox was on the lands of the Dr-
at the time he threw the ax at him. —

Saw Dr only on that occasion throw an ax at
the ox. —

The ox may have been wounded by some other
person between the time he saw Dr pursue him
with the ax and the 5 days afterwards when he
saw the ox. —

That the Dr threw his ax five or six times at
the ox, and at a distance of 5 or 6 feet from him.

In P^o 6. Dabonville - his wife - heard the Dr say
that he had wounded the ox, on an arrangement
proposed by him to pay the damages he had done
to Mallett - The Dr denied he had broken
down his fence, but that he had wounded
the ox, from passion, and in order to drive
him away - as the ox was pursuing his cows -

P-

The evidence being closed for the prosecution
the Court did not call on the Dr to make his
defence considering that there was no evidence of
malicious intention, they directed the Jury to acquit
the Dr whilst they did without retiring from
the box. —

The King
Michael Scally }
Michael Ryan }

On Indictment for Grand Larceny -

In this case the witness in support of the indictment having been called and not appearing there being no evidence before the Court to prove the accusation, the Court directed the Jury to acquit the Prs which they did by their Verdict of Not Guilty.

The King
Antoine Perrault }
William Burke }

On Indictment for Burglary -

William Sharp keeps a livery Stable in Montreal, in the night of 12 Novr last, his house was broken open. There is a cellar door on the Stable, all the house was closed up & shut the evening before night - particularly this ^{on the other day} front door - from the cellar there is a trap door leading up to the house where his horses were - In the morning about 4 or 5 AM he heard a noise, that it was two men who were going out with the carriage - it was then dark - sometime after he observed his men were not up, he called them - on his going down one of the men told him he had been robbed, & the cellar door broken open - The day before he had hung up 2 lbs. reins, & an old strap - These he missed, and also some other

other harnesses - 1 buffaloe skin, value 10/- a
bear skin value 10/- an ox value 2/- tandem
beefs 30/- Three harnesses £3 - a small strap
value 6/- Mrs. expnd^d the cellar door. The bolt
was broken off, and the trap open -

Mary Clarke - In Nov last she occupied a house next
to that of Capt M. And one evening after Mr Sharp's
cellar was broken open last fall, sh was alone &
heard noise in her cellar - She went to Mr Sharp's
house for assistance; - This was about 8 in the even^g.
Three men came w^t her, they went into the cellar
and brought out three men - who were carried
off to the watch house -

That 2 or 3 days after sh found a skin & an
ox in her cellar - same skin now produced -
she had none such belonging to her - These things
were claimed by Mr Sharp as his property -
The cellar door was not shut that evening - these
articles could easily have been carried thence -
Her cellar door had been left open for a month
before this -

Torrence Dorean was in Sharp's service in Nov last -
was at Sharp's when Mrs Clarke came there
for assistance - went w^t two other men, who
got into the cellar before him - Found the 2 pris^m
there, there was a third man - The strap now
produced was in the poss^r of Dr Perrault - They
had a light in the cellar - Took pris^m to watch
house - one of th three escaped - Saw a few days
after

after the buffalo skin on Mr Clarke's collar

When the Dr Burke was found in cellar, he
appeared to be in liquor -

It certain that he found the strap either in
the breast or pocket of the Dr Perrault -

John Toser - lives w/ Mr Sharp in Nov last, slept
in the house - it was broken open - when
he got up about 5 o'clock in the morning, went
to the stable - about 7 o'clock he wanted the ox
found it gone - and then observed the paddock
was gone - 2 pair tandem reins, robe and a
bear skin were stolen - the buffalo skin was
in the house the night before - saw the ox the
day before - Cannot swear to the strap -

that next evenning Mr Clarke came to the
stable door says there were men in her cellar
darked assistance went there and found the
Dr Burke on the wood, apparently asleep -
asked him what he was doing there - he made
no answer - Mr awoke him, when he
began to talk French, which Mr did not
understand - there were two other men found
by Martin Belles in the cellar - Is certain
that Drs are 2 of the men found in the cellar -
They were taken to the watch house - That
Brown found a strap on the Dr Perrault -
They appeared at first intoxicated, but when
they

They came to the Watch house they became
sober -

That some days after Mr Clarke brought
over the Buffalo Robe, which she said she
had found in the Cellar - It belongs to Mr Sharp
The ax was also found afterwards -

Martin Green, lived at Sharps tent Nov - when
the house was broken open, by the breaks
of the padlock on the cellar door - That several
articles had been stolen - The next evening he
was called up to go to Mrs Clarke's, went to her
Cellar at 2 Park Street and found the P^{rs} and
another man who escaped - They did not look
for any article that might be in the Cellar -
he assisted in conducting the P^{rs} to the watch
house - The P^{rs} seemed to be intoxicated -

Mr Sharp's brot. up again - The buffalo skin now
produced is his property - & about 11 o'clock the day
before the robbery he had it in his hand & placed
it among other things - The strap - he brought
from the stable with the reins, and hung it
on the nail with the reins in his house about
11 o'clock in the forenoon -

Verdict. Not Guilty. -

The King

Joseph Chouinier
otherwise called
Joseph Labourin

Our Indictment for Gv. Larceny -

Michel Langewie, lives at St. Philibert

Cape of Milletia - had a quantity of about 80
bushels of wheat in his barn, w^t was shut
up at night - he got up early in the morning
of the 18th he went to his barn & found the
door had been opened, and a quantity of about
10 bushels stolen - values it at 5 fb of bushels -
found tracks of wheat in several directions -
particularly from the barn to the road - he went
in search of the wheat, came to the house of the
P^r who asked him to buy stuff - g^t he refused
as not being melted - told P^r of the robbery, he
said it was not him - he then went and
got a warrant from ~~Langewie~~ Mr. Barbeau
I had the P^r arrested - ^{*other} brot him to his house.
Heard that Leeman had purchased wheat from
the P^r went there found he purchased a minot.
It was suspected to have been stolen -

Xavier Dumenil, lives at St. Edward - He P^r about 17^{yrs}
lasc. last he asked M^r to make a load of wood
for him - he then proposed to M^r to go and
steal wheat - one Kelly, called P^r Dan, gave
him b^d to get clothes of rum - of they drank -
the P^r during this time was whispering to

Denys

Benyⁿ Douglass - and Dr. Dean - who said
if he had a voyage to make it was time -
The wife went along with the Dr^r and stopped
opposite the barn of Michel Langerin - Dr^r he
must stop there - he attempted to open the door
but could not - asked us to admit him - he
refused - he then took a punch & opened the door
to the road - he then came back & told us there
was at least a heap of wheat of 100 mowds - The
Dr^r took one of the bags out of the train & filled
it went to the barn, came back & asked us to
go and fill it. We refused - on this Dr^r went
back and filled the bag, about one mowd or
mowd & a half, they then went off, & the Dr^r
requested of Mr^r to sweep the wheat, as he would
not suspect the Mr^r but would suspect him the
Dr^r That Mr^r carried the wheat to the place where
he kept his horse, and then kept it 15 days -
The Mr^r was then arrested, and declared where
he had left the wheat & it was taken away, he
does not know by whom -

P.

That he sold a bushel of wheat at the village
Michel Langerin - Thinks there must have been
at least 8 bushels of his wheat - That Demers
told him he had got wheat from persons who

had

had none of their own sell - from what he learned then, he suspected Deemont, and had him arrested, with the Dr and Larivé - The Mr lived with Larivé -

Theophile Demers. His Dr lives in same parish where he does. Last, he came & offered asked Mr if he had wheat & what he paid - asked him if he had wheat sell, said if he had none he could get some - said he had 3 or 4 Moults - Mr told him he would give 5/- for wheat if good. The Dr said in 3 or 4 days, he would bring the wheat - In the mean time the Capt. came to make inquiry about his wheat, when Mr told him he thought he would find it - and gave information of the proposal made to him by the Dr

Verdict. Guilty of Petty Larceny

Tuesday

Tuesday 5th March 1833

Pres:t

Ch. Justice & Justus Cyke & Holland

The King

Joseph Charpentier
William Ashley -
Edward Recqueau

On Indictment for steal'd a horse

Louis Paré, lives at Montreal, the 25th Feby
last he came to Church & took his horse and cariole
his son tied the horse to a post & went into Church where
he remained about 1/2 hour - when he came out found
his horse and cariole gone - he followed tracks towards
the Deuxne Suburbs - he made search every where, without
effect - the first news he had of his horse was from
St Denis who told him he had seen his horse & cariole
in Quebec Sub. - He went there & went on to Longueuil
but did not find him - went next day to L'Isle aux Tréomb,
where the Cap: Trudeau took him the P^o who said
they had took the horse w^t an american on the
road to Chambly - went there & found his cariole
& the horse of had been given in exchange - which was
of little value - pursued after the american & came
up with him, near Rangemont & found he had sent
the horse on thirty miles before him - but made an
arrangement with the american about the horse.
The P^o acknowledged that they had taken the horse,

after

which he told them it was a gallows case, &
they deserved to be punished — but made no
threats to them before their arrival — This
was at Mr Bois — The wife then pursued
his route in search of his horse —

Mr Trudeau & Vannier were present when the
P^os made their arrival — That the Dr Charpentier
said, in addressing the other two P^os, you are the
cause I untied the horse at the Church door —

2-

It is natural that 3 boys like the P^os might
be alarmed by being surrounded by three
men & told they had committed a crime
deserving gallows — it was then they made their
confession, and were crying —

He made them some such threats, ~~that~~ as if
as if they continued to do such acts they must
be led to the gallows

Frank Trudeau, lives at Longueuil — On the 26th last
he saw the P^os at Longueuil — on the evening of the
25th, Mr Barri had informed him of the loss of his
horse — on the 26th Mr Vannier brot the three p^os to him, & told him that the horse had been exctd —
They brot them to town & delv'd them to Mr Barri —
who took them before a Justice of the Peace —

The P^os declared that they had taken the horse
at the Church door — & the Dr Charpentier blamed
the masters for having sent him to untie the horse

at the Church door - & all ended - They said they had exchanged the horse for an American, and had got 4 dollars in exchange -

The declaration of Mrs was voluntary, all that importance d. that if they continued their conduct they would have to go to the gallows -

D

It is usual for children to be alarmed, when they are addressed in a harsh manner by a father or persons having authority over them -

Frank Vannier, lives at Longueuil - on the 26 feb. last the Cons came to his house - in a Canote - they came into the house & had something to drink - they paid for it - they had a horse in the Canote - & they came from town - & they had been 3/4 league further, that their uncle had given them a horse to ride with - The W^m men ^d be suspected them & told them they had stolen it & that he would take them before ^{the} told his man to take charge of the horse - They then acknowledged to have taken the horse at Church door - & took off from them - he gave them in charge to a man who took them to Capt Trudeau's W^m came to town w^t Cons They ^{all} again acknowledged having taken the horse - That it was Dr Carpenter who had the money & appeared to conduct the business -

That the old Cons ^{in the presence of 2 w^m} at his house, & they did not tell the truth, he would send them to gaol, and it

was upon this they avowed having taken the horse - he also said he would have them tried & sent to prison -

2

Louis Barre', he found his carriage broken & found at the house of Lent W^r -

Defense -

Mr. Mondelet for D^r objected to the sufficiency of the indictment - That the identity of the horse was not proved - That the acknowledgment of the D^r was illegally taken -

Joseph Charpentier, Dr. Zuber. Journalist - The Dr. Charpentier is his son and is young and 16 years of age - The 3 P^r live in the same tent and were sent to the mass & to their Calves on N 25 fifty last -

Verdict Not Guilty.

The King

Louis Fraser alias Louis de Lattre -
William Jackson -
Adam Thomas -
Charles Santon -
Michael Gamel
Thomas Thompson
Joseph Dumontier
Cecilia Graham w^r of Mr Jackson
Margt. Easton wife of Thos Thompson

} On Indictment for
Grand Larceny

Luther Savoie, lives in Montreal, had a store
 situated in College Street on 16 Beck Street - observed
 that it was broken open, went into it, & found that
 it had been broken open - had goods to value £1000 -
 Had three bales packed for St Denis, cut open and
 the greater part of the goods taken away -
 missed 8 pieces of bazar - value £10 -
 number ^{10 or more} pieces of Cotton £10. 20.
 1/4 pr doz. buttons 1. 15
 2 Shawls 2. 10
 10 pieces of Shertings 11 -
 10 dr muslin & 2 pieces do 3. 70 -
 1. 5 -
 1. 10 -
 3 pieces muslin . 9 -
 1 doz cards 15 -
 5 pieces Camelot 2. 10
 3 doz prs gloves 2. 10
 1 piece silk 7. 10
 2 do black silk 1. 10
 2 do linen 1. 7. 6
 2 do prs mullens . 18 -
 1 doz Guernsey pocket 25 -
 3 pieces grey cloth 5. 10
 8 do calicoe 10
 10 yds bombazine 3 -
 2 pieces flannel . 3
 2 Scotch caps 2 -
 1 piece velvet

all these articles were in his store and stolen
 and carried away from it - the goods all scattered
 about

This store is a wooden building, without windows, it closed inside - there were a number of holes bored in a circle, the piece was knocked in, and the person then put in his hand & slipped off the plank that closed the door - The door was open - when he went there about day light - gave information at the police - he mislabeled a certain house, got a search warrant & went to house of Mad^e. Monnier in St Morris Street near the College, with constables. Found the house full of people - some of the prisoners - saw Adam Thomas, the black man there, saw Dumontier Gue - found there about £12. to £15 worth of the goods in the house - There were about 6 persons men and women - cotton shirtings, grey cloths, Vandales, red baize & different pieces - they appeared to be a work shop there & they were making up cloths very fast.

Louis Malo, constable - went with last W^r. in Oct^r last to search for stolen goods - went to a house belonging to Madam Monnier - found there Le Lasser, Adam³ Thomas, ch^o Lantem, M^e Hamel & Dumontier, and the 2 women whom he arrested - he searched the house, and found, a Cremone - 4 yds. grey cloth another do - another 34 yds & 2 others - 10 yds broadcloth 15 yds blue silk 2 byds Cotton - 10 yds Baptiste 1 $\frac{1}{4}$ Cotton 24 yds calico - 18 yds blue calicoe

10 yds 5 yds velvet & a pair. 2 hats
5 Immure coupon white flannel 2 Scotch bonnets
2 pair mittens -
The 2 pieces of silk now produced were taken from
the necks of Dumontier & lantern -
5 cremones comfiters - a pair of grey cloth found
in the cellar -
Coupon de 4 Verges - in do de 3 - do de 14 Verges
do 2 of 4 Verges - d remainder -
10 yds bombazine -

States these articles to have been found on the
first search, & Mr Sawtell who was present
claimed them as his, and corresponded with what
he said he lost. - There were marks upon some
part of the goods of Sawtell recognized as his -

Sawtell Sawtell - sees the goods to be of the same kind
as those he lost - on the piece of linen he finds
his mark, which he recognizes, having put it there
himself - values this piece at 25/-

- ✓ Recognizes his mark ll on a remnant of Calico
to be his value it at 7/6 -
- ✓ Recognizes his mark on another piece of Calico. ll
to be his. -

- Lost several pieces of Cotton such as those produced
- The Shawls were not marked, only on the paper -
- Lost 2 doz. Mitts -
- Lost 2 pieces Velvet the mark taken off
- ✓ A pair of Jackson Muslin, w^t his mark ll
which

gh he recognoys -

Knows grey cloth, to be his, altho' not marked
lost several pieces of same kind -

Produces a wrapping paper in gl wch Van Dyke,
wh was found in the cellar of the house -

lost several doz. Scotch caps -

1 piece of black silk was in the safe box on
the counter - it was divided into three pieces
of 25 yds. each - 2 is the same quality & every
rippe corresponds with the piece remaining in
his possession -

✓ The 2 steps - found on the Drs. lantern and
Dumontier, are part of this silk -

Louis Malo - There were 2 or 3 of Drs. were eating at the other
smokes - The goods were concealed in the cellar
so others in the trunk - Heat some of the Drs.
escaped. Dumontier & Lantern - Thinks that
Lantern knew Mr. as a constable - They gave
no account how they came by the goods -
After the search, he observed a board cut in
the flooring, don taking it up, he found some
grey cloth - He in consequence arrested the
pros - found an Auger, term in the cellar
wh corresponded with the holes made in the
floor, & also the holes made in Mr. Savotell's
door - The house of Drs. is small, steadily furnished

¶ We went to search at other places - went to

in Griffin town.

the house of James Blather - when he found 31
yds. green flannel - cotton &
100 yds. gros de Naples - a pair of striped cotton -
a pair of Muslin - Sawtelle claimed all these
articles as his property - The 1st. John Fraser
the 2nd. Wm Jackson & Michael Hamel had been
arrested on the 2nd day as being inmates on the
house of Madame Mourier -

— was present when 2 neckcloths were taken off the
necks of Fraser & Hamel in the prison office —
— a great part of the goods was wrapped in a bundle
the rest were put aside under the counter, and
not exposed to sale

= Went afterwards to house of Mr Burns - Mrs
Burns refused to open a trunk, saying that
her money was then & her husband absent - her
husband came she gave him the keys - and
in this trunk he found 11 yds of Calico. That
now produced, it had no mark, being a remnant
& Sawtelle had such in his store -

= All these goods have remained in his possⁿ ever
since, with some other not to him by Lafosseur
& Bonnan - a pair of grey cloth. 46 yds - a
pair of green beige - a pair of Cambric - 1 pair
of Brown d^r - another of same kind, dark blue - a
half pair of same - 44 yds grey cloth - 23 yds
red flannel - 4 pieces cotton - a pair of striped
cotton

33 yds. linen - a piece of blue calico -
another of same - another of same - 18 yds. of
yellow calico - 1 th piece blue calico - 17 yds.
red calico - by yes cotton - 10 pds. mittens -

That Blyth informed Swett that he had
some effects in his possession & the bundle now
produced, is what he delivered up to Yes.
There were also claimed by Mr. Swett -

F

When he went to Mounier's house, he suspected
several of the prisoners. - The two women were
there - but if his knowledge - never saw them
before nor since - They appears to be connected
with the goods, as they & all the others denied
there were any goods there.

Was told by Mad. Mounier, that Fraser and
Hamel were the principal tenants of the
house - They all appeared to occupy the
house - There were 3 rooms - and all the
persons that appears to be in partnership
& the rooms common to them all - & stolen
goods were found in all the three rooms -
The coloured man was at table - cannot speak
as to Jackson & Thompson being there -

Does not know how many persons were arrested
None were more than the 100s

Can say nothing as to Hamel - 2 of the 100s escaped
when

when the goods were found -

Luther Savitt says, that a piece of Calico w^t his mark on it, ~~the~~ was found at Blyth's - now shewn -

- ✓ A piece of calico w^t his mark - value 5/-
 - ✓ Another w^t his mark - value 5/-
 - ✓ A piece of Linen, w^t his mark - worth 15/-
 - ✓ A piece of cotton of same description as he had & believes same he took -
 - ✓ A letter of his Clerk at St Denis found in a piece of grey cloth, of 49 yrs worth 67. 00
- All these articles were in his store the evening before it was broken open & were stolen out of it -

2

James Blythe lives in Griffin town - in old part, & keeps a store there - one of the women P^{rs} at Bar, Mrs Jackson, came to his house w^t goods for sale, on Tweedie a barker asked him if he had bought any cloth from this woman - as her husband was a commissed Penitent & had brot the goods home - went to the house of Mr Jackson w^t Tweedie, where she showed them some common blue and black cloth - did not buy any of these - she s^t she had other goods in another house, which were held for rent - but she would bring the goods when released

The

The woman sometimes afterwards brought
some goods of Mr. Wright - the last time she
came she had a lot he would not buy - it
was some silk that had been damaged, which
he refused to purchase - the silk was damaged -
she then asked permission of Mr. to leave it in
his house till next day - he at first agreed - she
asked him to bring a trunk with some of her
clothes in it ~~back~~ & leave w^t him - to this he
agreed, and on his return home found some
trunk in his house, & a piece of cloth of silk
broc^d offered again to Mr. for sale, but which
he refused to buy - Said there was another
lodger in the same house with her who
wanted also permission to leave their things
w^t Mr. The next day the warrant came
to search for these goods, & the constable
took them - and Mr. delivered them to the Constable

- The plumm^d & velvet & black bombazette he
purchased from Mrs. Jackson

- Never said positively that he knew two of
the men - but said as far as he believed,
he alludes to Fraser and Lancaster Hamel
but is not sure -

- Believes he purchased the piece of Calicoe now
produced from Mrs. Jackson w^t 8^o yrs 28 years
14/- Her husband to expect of £20 or

£30 from her - and thinks that many of
those articles, he so purchased, are among those
now here -

refers to 2, diff. pieces in the bundle now produced
also two pieces of striped cotton, of which he had at
least of £^o of yard - she o^d her husband
had purchased these goods in Ireland and
brought them with them -

Thinks it was in October he purchased these
goods, but is not positive -

The husband of Mrs Jackson was present
when the W^t went to buy goods of her, and
she seemed to act by his consent -

That it was at least 2 weeks that he had first
purchased goods from Mrs Jackson -

Patrick Brennan - was a constable in Octr last
went w^t La pressure d'another in search of P^r -
went to ~~the~~ ^{Mr. Ponsonby's} ~~Business~~, found barrel, who was
arrested, & gave him in discharge to Mr. M^r -
Dunn the friend of S^r there were more of them
when they found Fraser & arrested him - went
up stairs, found a tailor, Black - on of - he
found a vest, of La pressure said was of the
same kind of cloth as Lawtell lost - Found
in the ^{apartment} ~~house~~ of Jackson, some grey cloth, some
baise - in a trunk of - a man was carrying
off

off under his arm. He found some comfort
from this; they went to Blyths, up stairs, and
having got the key - he saw 2 old ^{county} trunks and
2 sacks with goods - Blyth said that some
persons had left them there in his absence
who were going to take rooms from him -
He then informed Blyth he must go with
them to Police office, which he did. - They
took the goods with them -

None of these persons appeared to look like
guilty persons - Jackson was in bed - and
he was sick -

Wrong give Trillet - lives in Rue St. Urbain, she rented
one of her houses to Dr. Fraser and to Gamel
in Rue St. George near the college - this in
Sept. last - they were to pay 20\$ per month.
They rented it for the winter - they said
they worked at the wharf - that they meant
to set up a small shop - She went twice
there for her rent - saw no goods there -
after they were gone, she perceived that one
of the planks had been cut - They rented
for themselves & families - Gamel said that
his wife was at Quebec -

James Burn, lives in Griffin town - to best of his knowledge
he has seen the press of Calais, when constable came
to his room

Mary

Many ~~of~~ Mr. McIntire, lives in Griffon town, &c. the
Dr. Fraser, has worked for him - she made two
pair trousers - 2 shirts - 2 pair flannel drawers
the shirts now produced are her work. - That
it was Fraser and Hamel who furnished the
cloth. - That the striped cotton cover produced
is same wt. that of shirts - That Fraser passes by the
name of McIntire - We had rented a room
from the Dr. Mrs. Jackson - That Fraser &
Hamel appeared to be boarders & Dr. Mrs. Jackson
of Fewick, heard the house belonged to Dumontier,
Mrs. Jackson sold in the market - that
Dr. Dumontier staid 2 or 3 days - there - That
Thos. Thompson was there also - That Lansdowne
also boarded there - That the black man
was a kind of servant in the house - That
Jackson lived there also - These persons
lived all in the lower part of the house -
was present when the search was made -
saw no goods -

That Fraser & Hamel, left the house, and
went to live in Mrs. Mounier's house -
and Lansdowne & Thompson & Dumontier left
went with the others to Mounier's house.
Mrs. Jackson remains at the house where
she was -

x²

Jackson rented the house, & we rented a room
in it - Fraser had a room adjoining to that of Ms.

that about 15 days before the P^r. Fraser was arrested she made the bousiers for him -

By Camb^r That it was about 3 weeks before the arrest that Frans & others went to make bousiers.

Marie Anne Chatel - lived w^t the last W^r in Oct last - The P^rs at the bar come there occasionally, darkie etc Mr Inter of she had done their work - Fraser & Hamel - knows Mrs Mc Intire made some cotton shirts for them & ever made a pr of drawers for them -

Defence

The counsel for the P^rs Jackson and his wife, applied to the Court for the discharge of Thomas Thompson & Margaret Easton his wife as no evidence had been given against them - This was granted by the Court and the Jury returned a Verdict of Not Guilty of them -

Margaret Eastman - Told I knew Jackson this wife at Mrs Prior - went afterwards to live with them in Griffin town - That the P^r and his wife

wife came to the house of Jackson - Was present on Monday when Mrs Jackson
bought goods to the amount of £5 - and did
not appear she supposed to buy stolen goods -
Fraser appeared as a pedlar - Mrs Jackson
pd Fraser about 3 weeks before the arrest -

x²

Saw a large trunk that Mrs Jackson purchased
from Mr Fraser, when he was going to his new
house - Saw Mrs Jackson pay Mr 20 dollars
for the goods -

That Fraser & Hamel lived at Mrs Jackson's
That Lantern & Dumontier boarded at
Jackson's for 2 or 3 days -
Saw grey cloth in the garret -

By the Court - That Mrs Jackson carried on
the business & sold the goods in Market -

Thomas Thompson - lived in same house from Mrs
Jackson - found the other prisoners at house
of Jackson - he is a discharged prisoner - and
he heard it said he had money - That his wife
put £25. into Savings Bank - Knows that
she purchased goods from Fraser & Co here
for them - Saw Bank Check - We made
up one bill of Goods she purchased from Fraser -
at one time £5 - & another 25/- That Mrs
Jackson

sold several dealings with Fraser, and it seemed as if she was dealing with an honest man. Thought him an honest man - Mrs & Mr Jackson were both industrious people -

The blackman assisted in cooking, and had his board for nothing - he had assisted the day of the arrest to take a stone to Fraser -

That 3 weeks before the robbery he knew that Fraser sold the goods to Mrs Jackson

X²-

Saw some remains of goods in the house saw a hole in the floor - does not know who made it -

Saw some goods found in a trunk by the constable - said to be the trunk of Fraser

Farn & Hamel were the principal men - saw Mr Lantern & Dumont who used to board and sleep there -

Mari See Allentown - Mrs Jackson is a very industrious woman - she sold candle points to Fraser - when she came to the house she had a good deal of money -

Verdict

Verdict - Louis Fraser alias Winter.	Guilty
William Jackson —	Guilty
Charles Lantern —	Guilty
Michel Hamel —	Guilty
Joseph Dumontier —	Guilty
Aelia Graham —	Guilty
Adam Thomas —	Not Guilty

Wednesday 6th March 1833.

^{First}
Ch. Justice & Justices Pyke & Rossland

The King }
Nicolas Labonne } On Indictment for stealing a mare.—

S' Luc Parent lived at St. Lurlock in Augt. last
he had a mare in his posse^m then, which was
stolen out of his park — she was of a brown colour
w^t 3 white feet — he sent in search of her, but
without effect — he went himself afterwards to
Hawkesbury in U.P. Canada — he gave the
description of the mare, and found her in the
posse^m of a man in Hawkesbury — he valued the
mare at 50 dollars —

Joseph Griffin lives at ThawHubury in N. C.
lived there in Augt last - saw Dr. at his
house in Augt last - see a man - he was
bay or brown - a star in the front - he
wot it for one of his men - the Dr's it was
a colt his father had raised before him. the
Mr paid agreed to give him 28 doll - gave an
order for 6 doll & on money due & not payable
in one year - he had engaged Dr for a year
but fell sick, & when his cloathes were ready
he went away, & the Dr did not see him afterward

The last Mr came to house of Dr about three
weeks after, who described the man he saw
he had lost, w^t corresponds with the man
and he then showed him the man, which
parent recognized and swore to his property

The Jury without retiring from the
box brot. in their Verdict of Guilty ag^t
the Dr —

The King } On Indictment for Murder
Charles Gagnon }

Basile Champagne, lives at St Martin, N.B.
Dr last Ch^t the Dr died at the Island of Montreal
~~at the~~ aboard a Plough - knew the late Dr. Jean Van
autrement appelle Vian - he lived at the Ware a
Plough

Ploeff - he was a man about 40 years of age -
on this day Mr. was at St Martin - He was about
going to see how the ice was - & went up Inf St. Goret
they crossed from Isle Laval to come to Montreal, on
the way and passing near the Dr's house, they heard
some one complaining, who was lying on the
ice - they went near this person, who was about
40 feet from the house, they did not know the
man - They went to the house the Dr. came
out when they asked who that man was, the
Dr said it was Jean Vean - who did this to
him - The Dr said it was me - They then asked
him has he been long there on the snow, the Dr
said about an hour - Mr. Dr. they could not leave
him there they must bring him into house, Dr.
Dr. no you shant bring him in here - There
is an English who passed him, who was to come
out the Capt. The Mr. Dr. they could not leave
the man to freeze there, but must bring him in
They will take care of him - Dr. Dr. no I'm afraid
of him - The Mr. Dr. there was no danger, he would
answer for him & that he would go for people &
have some one with him in the mean time - On
this Dr. consented & they left the Dr. in dry supports
him - They laid him on the floor - he took off his
shoes & had a wound on his leg - & they covered
w. blood - during this time the Dr. turned back &
face saying ah! je suis d'accord - Chant enjoué

face of D - when he observed a wound on the
front, &c made him say to P: if he had given
the blow a little higher the D. must have died
by the blow - Chauncy then asked P: if he had
as much on the other parts of the body, as what
they saw - P: said Oh I g'en ai been done me
D'اعتیلی - on this Mr. & Mrs. thank you be well
Sir - the W & Chauncy & they that he would
they then asked P: what he had done to me
him in that way - he said Mr D. was before
the stove, and said 3 or 4 times You most
first most - and asked P: if he had
money - P: said he had, but not in his house
but in a person at Bois Lane - They
then asked P: if he had threatened him, if
he had held up his fist to him in any way -
Mr P: no. he did not stir from his
Chair - on this the W observed it was very
hard to see customers in that way it would
frighten them away - W then proposed to
go for people at Bar a Blarre to get the
Mother in law of D. Bazile Gossery - The
W. asked P: if he knew B. Gossery - P: he know
him - on this W. desired Chauncy to remain &
in W's so^t go for people - on this W. got into his
carriage & went to Gossery's and they collected

people

people said came back to P^r — The W^r requested
of Gravelip & the others not to consult the P^r — advised
them to arrest the P^r — They found D^r on a chair
a candle was lighted, they w^t D^r took him and
put him in train — They then laid hold of the P^r
and tied him, saying, you shall tell me other
person — The W^r then left him —

The P^r showed the blood of the D^r on the floor
of the house — It also saw blood on the snow where
D^r lay — but his face when on snow was so covered
w^t blood that he did not at first know him —

The P^r & he had taken a ^{or baton} wand near the store
w^t got by stroke the P^r —

That on this obvious that he that the D^r would
die — said, I w^t take ^{or} some more etw from you
can ~~not~~ to give you an hour —

The P^r said that the first time the D^r came into
the house he was in train, but when he came back
he was more alive —

Was present at inquest of C^r when the body
of D^r was shown — The lower jaw appeared broken —
his arm black from the blows he had received — but
did not examine particularly —

P^r
lives higher up the River than P^r — The nearest neighbour
of P^r is distant from about 1½ miles on lower side —
knows D^r — He was a small man, very common
man — does not pass for a strong man —
When they came up to P^r house it was shut —

It might then be 3 o'clock or half after — The P. was alone in his house —

That when M. returned back to P. at Greve & the others, there were some other persons there, whom he did not know.

That Dr. D. that D. had looked at him laughing saying, "tu es mort" — "tu es mort"

In B. Charet — lived at S. Martin last Chr. went w. last M.
C. & C. to Greve and Chat to see the state of P. — They
passed near the house of P. — They heard some one
complain, and saw a man on the snow, who
They said there is a man killed there — On this
They saw the Dr. come to the door, his hands in his
pockets, when they observed, there is a man dead
there — the Dr. no he is not yet dead — They
then approached nearer, when M. observed who
has used the man in that way. The Dr. said it
is I who gave him the blows w. a stick — &
that it was Jean Vean — M. knew D. for 3 or
4 years before — He lay on the snow stretched out
his hands praying, & he did not know him, he
was face so disfigured and covered w. blood —
& it was P. who first told him it was Jean Vean.
He pushed D. & asked him if he knew him
he had his eyes shut, & he thinks he said, he
did not know him — and out don't kill me
all night, I can't leave me here to freeze — They
then

then asked P. to allow them to bring him into the house - he said no - he was too much afraid of him
M. 1^o he was half dead he need not fear - but Mr. Champagnon agreeing to be answerable he allowed them
to bring him in to the house - The P. did not seem
affected - nor in anger - They carried D. into the
house & laid him by the Stove - he again cried, "adieu
done par de moi han amene moi done -

The P. said the D. had been out on the Browne, an hour
or an hour & a half -

after Champagnon had gone for Grubbs M. remained
with D.

That P. said when D. came in he asked if Mr. had
not accused him of stealing his petancon, the P. said
no, but Lacatin had told him so - the D. observed
if Lacatin P. so he would wait for him there, and he
should remember him - P. said he did not think
he would come there, as he had not seen them since
last fall - The D. then asked - a he de l'agent,
the P. said no, it was at Lacatin's when he wanted
any he went there for it - That D. was sitting
before the Stove, and looking up on P. & laughing
he said Dieu m'aider Dieu m'aider, the P. was afraid
as there were buttons lying near the Stove and he
was afraid he would lay hold of one of them -
on this the P. requested f. D. to go to the other side
of the Stove, and if he wanted fire to light his pipe

he w^d give him room — D. went to the other
side of Stove or his chair, and P. gave him
fire to alight his pipe — on giving him the
fire D. observed c'nt at pas de veuler le
farmor mal a un homme qui rend service — non
il ne faut pas faire un mal a un honn^e homme. lo -
and on this Mr D. lowered his head down by
the Stove, when Mr P. took a baton by the
Stove gave ~~him~~ D. a blow on the neck, and
he fell, and that he beat him as long as he
moved — and after this he opened the door
and ordered him out, and he not being able
to go he dragged him, and when out the
D. wishing still to talk, he then P. took his
baton again and beat the D. as long as he
had fit —

While M. was alone w^t. P. three persons
arrived, Mr Lacroix & two others, who asked
what is this on seeing D. on the floor. here's
man who is dying — the P. said it is I who
gave him these blows — couple de baton —
one of them asked, did you give him any
thing to drink — P. D. no — on this Lacroix
said in case you did not give him any thing
to drink, you had a right to do so, and if
he survives and pursue you, before I am paid

there.

there will not remain 25 dollars worth with you
The Dr. observed to P: that he would not for any
consideration have done so much, for that he the
Dr. would be punished - The Dr. & the prepared
to be punished by Justice rather than by D -

The P: showed the stick he used - It had it in
his hand, it is a wonderful spur, about 5 or 6
inches round - about 2 feet or 1 1/2 foot long, and
about 6 inches from the end there was a newt bite
and looks on the stick he observed that he supposed
it was w^r. that ~~time~~ he made the hole on the head.
— The P: s^t he had beat poor D. as much on the body
as he had on the head -

— This wonder was full of blood - & the Dr. took it
up and shaved it - The Dr. I you must have
been in a great rage to beat the man so - & he
was not in a passion, but he was surprised
that it affected his knight - ^{the}

— When the blood was wiped from the D's face
he knew him -

— The P: s^t that D app^d in larger when he came
there -

— The nearest neighbour of Dr. is on the other side the
River - The house is 8 or 10 acres wide -

That Champagne came back w^r Gravens, his son,
Ansdell, and Dubois -

— The P: did not appear affected by all that passed -

The

Mr D. was put in a train and carried away -
saw the body afterwards at the Inquest. -

x-

The only questions he heard proposed to D. was me
connais-tu - me connais-tu, but he answered incompletely.
that Mr P. & it was from fear he beat the D.

x-

By Agent The D. was rather a small man
and of the common - aged about 40 years - he
was not a violent man - nor quarrelsome -

Basile Groulx - lives in Branch of St. Laurent, - was at
home at last Ohs. About 3 ohs in the afternoon
Boazle Champagne came to tell him that Jas.
Van de Laweck had been beat & had not his
home life - W. took his son, & two others and
went to P. when D. was - about $\frac{3}{4}$ hour
on going in he observed D. he asked him if he
knew him - he did not answer - he could not
speak. He made effort but the passage seemed
cloud - Did not speak to P. They took D
and put him in a train - went back and saw
the P. he had a pair of scissors in his hand, gl. W.
took away & ^{threw} him -

They broug. the D. to house of W. on the road, he
cried - ah! Antonin, laisse moi alone - They
carried the P. w. them - W. went for the Doctor
who came about 77r. Ohs - The D. died about an

hour

hour after - They visited the body of D - and found many wounds on it - The Dr said that the blow on the leg was given by him w^e. a batau -

The D. was a man accustomed to laugh & joke when he was in liquor, but in other respects was a quiet and peaceable man - he was a common man in size & not so tall as P^r

There is a Jean Vean who is reported strong, but not the D -

2-

When Mr came to house of P^r there were several persons there -

In P^r's Quullet - of Laurent - was at Roux's on this day last went w^t Champage, Roux, when Champage came to tell Roux to go to Jean Vean as he had not h^t an hour before - went to P^r said D. on a chair & Charent supported him - he appeared in a bad condition Mr did not know him - they put him in sled, and arrested the P^r

The Mr asked P^r how the matter happened - he said that he had heard that 2 plamous had been taken he did not know by whom - that the Dr said the D. was in liquor when he came in - that he said to P^r que ton trésoir - en riant - that on this the Dr - P^r he was afraid & told D. to draw back. if the D. did, and being alarmed, he took up a stick gave him a blow, he did not fall at first but

in

he gave him a second blow when he fell - that
he wanted to get quit of the ~~D~~ as he did not
wishes to see him in his town. This conversation
took place at Mr Grays -

W. remained there till D. died - was present at the
Exegate - saw the Doctor there - said D. after his
death -

Fran^s Robert lives at St. Laurent, last Ch^r he was called
by the P^r after Vespers went there found the
Dr. & Charette - In St. Laurent & Duretch were
wt. W^r He saw D. on the floor & P^r told
M. it was D. - he had his face covered w^s blood
M. asked P^r what D. had done to him to beat
him that manner - he said, he threatened to
kill him - asked D. if he was drunk, said
he was so and comm^e he liable - asked him who
had beat him - he lifted up his left hand saying
C'est l'horame - he then asked him why - as the
P^r answered because he wanted to kill him -
the W^r knew this was the manner of D. when
he was in legions - je t'en - without meaning
any harm - he lifted him up and set him on
a chair - the W^r asked D. several times, why
the P^r had beat him but he never answered -
the P^r answered always, because he wanted to kill
me - knew the D. - he was a very indifferent

man

bad character of a thief, and used often bad language
not to be endured by those who did not know him.

X²

Dr sent for Mr by Gascon - That Dr said that the
D. when he went on the other side of the stone, that
D. laid hold of a baton - an gl. Dr got round
the stone and struck him first -

The Dr for a good man, and who renders service
to people & has done so to us

D. had the reputation of being a drunkard -

In ^{last Chs} Mr Curtis Trotter, surgeon - was called by Mr
Gough to come & see D. at his house - saw him
there - he saw D. on a bed, he examined the body,
the left eye almost out of the head - a hole over the
left - The ^{lower} Mastom broken in each place - the
upper lip cut - the left arm swollen and broken
at three articulations - the two legs also broken at
the 2 articulations - the wrist of right arm broken
On the right left leg there was a cut as with a
sharp instrument, the Dr said it was done by
him with a baton - It was impossible to give
any assistance to D - These wounds altogether
might have produced his death but on the Crane
might have produced death of itself - The Dr
was present, said it was with a baton & knots
on it, that he had inflicted these wounds -
The D. appeared to have his senses a little and
suffered

suffered much - saw him die soon after he saw him - never saw a man so ill used -

X

Defence

Brian St

Antoine Durocher, went w^t Robert & Laeroux to Dr on Fri last - we staid at Roberts - saw Charet at Dr. saw D - who asked him to take him away from there - Robert questioned D - asked Dr if he knew him - & he had drunke at Rev. de l'Isle, & at St Martin - to some questions he did not answer - When asked why he had been beaten by the Dr never answered - but Dr said he had beat him because the Dr wanted to kill him. Has heard that people were afraid of the Dr - as a dangerous man, and had a bad reputation for Dr to be a sober man, & passes for an honest man -

X

We was flurried at the time, too transported that he cannot give an exact account of all that passed.

Thinks that Dr might understand what the Dr said when he said that it was because the Dr wanted to kill him, that he the Dr had beat the Dr - and that Dr did not answer -

In P^r Dr Laeroux, lives at St Laurent, the Dr sent for the M^r on Fri day last went there - saw D on the floor - Robert & Durocher went w^t M^r

he did not question D - Robert did - he asked P why he had done that, it was because the D. wanted to kill him - There was a difficulty about 2 platters -

that D. & his cousin was strong, but he was as strong as him -

The D. spoke to Robert - Bob answered to some of his questions - knew Robert - and also Boivin -

D. said he had drunk at St Martin, or at Rev. du Pres.

that P. said that he had beat the D - because he wanted to kill him - This was said in the presence of the D - but he answered nothing -

and from his not answering the impression was that he meant to do some injury to the P -

The D. had not a good reputation - he always had a good reputation -

F

P. & D. had come to his house in liquor -

The D. appeared to have his senses - he called to Ant. Duroker to take him away -

W^m H. Call. Is one of the magistrates of Montreal - The P. was examined upon him - did not appear like a man who had lost his wits at the time

Fred^{ck} Eugene Globensky - has known P. for some years - never heard any thing against his character -

Antoine

Embarke
Osatoona Leduc - knew late Sean Keen - he was a man
given to drink - his name gave alarm to
many of the parish - he has murdered many
to kill them with a knife - he came at night
to house of Mr. and wanted to get a drink of
water - Mr. Mr. knew him & would not let him
in - he then threatened Mr. that he would
kill him even if a day & a week a year, or ten
years hence, you shall perish only by my
hands - The wife at time saw he had a
knife in his hand - threatened to break open
the windows -

The wife was afraid of his life -
There are two other persons whom he wanted
to kill -

George Bent was at Mr. B's as a guest on Dec. last,
he passed the 1st hour & ~~persecuted a man~~
the when Dr. came out & stopped him on 25th Decr.
he asked him to come and see a man who
had come to his house ^{intending} to kill him, that Dr.
had taken a stick & struck him on the neck
lassomed him - The Dr. appeared excited &
alarmed - Wanted Mr. to look at Dr. but said
he had not time, but would send some men
to him -

x^o

P.S. that he gave him but one blow on the
neck and beat him down - did not like the
appr. of Dr. & did not wish to go & see the Dr. w/ him.

Louis

Louis Beaunier Knew late Dr. Deau for 5 or 6 years -
he passed for a gambler - & has seen him
in disgrace -

Sebastien Legault - Is Dr. Deau's 6 months in his
house. & has known him for 12 years - he
always been a good character -

Pierre ~~Fransois~~ Nomer - says nothing -

Frans Goguet Is Dr. since last May - a quiet good
man -

Louis Devoyan Is Dr. for 2 years - good character -
Knew D. who had a bad character -

Augustin Goguet Is Dr. since last spring - is
a good honest man -

Paul Corbeil - Knows Dr. for 14 or 15 years - always
had a character, a quiet & peaceable man -

Pierre Ethier. Is Dr. for about 10 years - always
had a good character -

In Dr. Tusceneau de Lajusness - Is Dr. for 10 years -
always had a good character -

Andrew McCool - Is Dr. for 12 years - always had a
good character, quiet & peaceable -

Andre Lebris. Is Dr. for 12 years - good character -

Joseph Lavalle Is Dr. for 12 or 13 years - good character.

The Jury having returned a Verdict
of

of Guilty, and the Prisoner having been called on to say if he had any thing to say why Judgment of death should not be pronounced upon him according to law Mr. Moreau his counsel, moved in arrest of Judgment that the whole proceedings should be quashed and set aside, as irregular inasmuch as the Grand Jury who found the Bill of Indictment against the prisoner, and the Petty Jury who tried him, have not been returned according to law as appears by the parsons of record. —

Mr. Chirrie was heard in support of the motion who contended, that the Court had before it apparent on the record sufficient to shew that in summoning the Jury the law had not been complied with — That the parsons returned shewed that the Grand Jury had been returned from two or three parishes only, and the petty Jury from ten or twelve, whereas the Juries ought to be taken from all the parishes of the District indiscriminately, of which there were an hundred and upwards in the District — That the Juries thus returned, were not therefore

the

The legal and competent Juries to take cognizance
of this prosecution, and the same as if no Jury
at all had been returned -

The Atty Gen's ans^d that the motion was too
late, and ought to have been made before the
trial, and could not be received in arrest of
judgment - 2. Hawk. 295.

Mr Justice Rolland stating to his brethren
that he was not prepared to give his opinion. The
Court directed the case to stand over till to morrow

Thursday 7th March. 1833

Pres^t
Ch. Justice & Justices Ryk & Rolland

The King. - }
Charles Gagnon } Mr Cherrier, on behalf of the P^r requested
to be further heard on the motion an
arrest of judgment - which was granted
by the Court - He now stated - That every thing
must be regular on a conviction of this kind, and
it was apparent here that there was great irregularity -
That Juries had been taken from a corner of the District
instead of the body of the District, which was in direct
opposition to the law, and was the same as if no Jury had
been taken at all - That on a motion in arrest of Judge
the Court had to look not only to the Indictment, but

to

1 Chitty. C.L. 662.

to all the other proceedings to be found in the Record
on which that Indictment was founded -

The Verdict and panels of Jurors composed part of
those proceedings and were to be considered as
composing the record. Deacon. Record -

In making up the record, the names of the Grand
Jury were set out. 1 Chitty. 720 - and the Provincial
Stat. required not only their names, but their occupations
and places of residence - and the law required
that all necessary qualifications of Gr. Jury
should appear - Id. p. 307 - & 4 Hawk. 16 -
and that if even one of the whole Gr. Jury was
found incompetent, as outlawed, or such like
it destroyed the whole proceedings. 4 Hawk. 17 -
That there were causes for which a Judgment
might be avoided, and which did not require
a motion in arrest of Judgment, and which
might be stated to the Court by an amicus curie
or any bystander - This had a reference to the
regularity of the proceedings. 4. Hawk. ch. 50 -
p. 499 - and p. 240 - That it being apparent
here that there was a partial and not a general
selection of Jurors, they were illegally summoned
and all their proceedings must be considered
as illegal -

The att^t Genl again stated that this motion
could not be received, as it had reference to a stage
of the cause now gone by, and the Court could
look

looked only at the Record as it now stood, where
none of those objections were apparent, and no
extraneous matter could be enquired into - said Mr
King & Steppard. Leach. C. C. - That this Court
could not know the number of parishes in the
District, nor the number of Jurors qualified in
each parish, nor could they enquire into it.

The Court were of opinion that the motion
came too late before it, that the objection ought
to have been taken when the prisoner was called
upon to take his trial, as that was the time when
all objections to the Jury ought to be heard; that
he might then have challenged the array as well
as the Polls, but having limited his challenges to
the latter, the presumption was that the Jury
was in other respects legal and sufficient.
That objection might then also have been taken
to the sufficiency of the Grand Jury, by a plea
to the Indictment, and some authorities went to
say that an objection might be raised to their
sufficiency even before the bill was found - But
now the Court had nothing before it, but the
Record, and nothing extraneous to it could be
attended to, and from this record all appeared
regular, as far as the Court could see -

Mr

to Justice Rolland observed, that before coming into Court this morning his mind was fully made up to reject the motion on the principle that nothing could be alleged in error or in arrest of Judge but what appear on the Record, but that it was now somewhat shaken by what had been observed by Mr Charron, as to the difference between the number of parishes from which the petit jurors were taken and the number from which the Grand Jury were taken, as this was apparent from the pamphlets before it - This indeed had been in a great measure answered to by the Atts Genl by stating that the Court could not know in what parishes the qualified persons were to be found, which induced him to agree in opinion with the other Judges - The motion was thereupon agreed and Judg. of Death was pronounced upon the Prisoner - and the execution resuled to Friday the 29th March instant -

Thursday

Thursday 7th March 1833.

Prest
Ch. Justice & Justice Pyke & Rolland. —
—

The King }
Arch^d Moore
Matthew Moore
John Moore
Janet^t Moore }

Our Indictment for Murder-

Timothy Birnie, lives at Chaleaugua River -
Goodman's Run, No^o 12 & knew late Robt Laurie -
Heard a quarrel, went over from his house to Hinkabush
on 10th last, saw the Ps^r retiring from D. where
he was lying, asked Archd. Moore what was the
matter, he s^t. he thought Laurie was dead, and
that Laurie had killed Mathew Moore, that
Mathew either sat down or was lying down - he
went up to D. who could not speak he
raised him up, when he vomited something like
blood - he shook him, asked him what has been
the matter - he s^t. the old man has murdered
me & the girl has ^{chopp'd} me up - &
They had had no compassion on him Janet Mo^r
s^r. he had had no compassion them & they had
used him accordingly - His wife went for assistance

and

and arch'd Moore asked M to help him home
w^t Mrs. who was wounded w^t blood - q^t he ride
They then took up D. and Lamb Moore remained
w^t him, requested M to go for Doctor & he
would assist in his place - D & a Doctor
was of no use to him - They carried D. into
house and took off his cloaths q^t were full
of blood - his boots & stockings - & he vomited
up some blood - Mr. Then went for Doctor -
Found D. on farm of Dr^r Moore - about
6 rods from where the road is laid out -
Heard arch'd Moore say, that he had drags
D. some way, before he quit -
Saw a wound on the head of the D. after his
death -
Saw Dr. Moore have a handle of a fork in
his hand -
The D. lived on adjoining lot to Dr^r
The D. was 58 years old, at time of his death -
Saw no ax w^t Dr^r Heard Janet say at
my visit, that she meant to hit w^t the ax
between the Shoulders, but in her passion
it might have struck the D. before up -
The Dr^r acknowledged to have struck the D -
The D. was quiet when left alone, but when
attacked would defend himself

Lives nearly opposite house of Dr^r crossed in

a Canoe to Moors - We heard no noise till he came up to Pr. Jas. McCullum crossed him over the River, & his wife followed W - When he got near the place, that the noise came from one D, when he came up. The P - Matthew M. when sat down, or lay down - does not know whether he was supported by the others before this - Matthew was covered with blood & had some wounds on him - thinks that D ^{had} ~~had~~ ^{very} ~~that~~ brot a pitch fork there - but is not certain -

- That D told W to let him lie there and die as he was ashamed - The W understanding that he was ashamed of having been so murdered by these people.

Knows that D had a good many cattle that used to wander over the land of Pr.

- Was a witness before Com. Inquest, held before Mr. Brown - thinks that Jas. McCullum & his son were there about the time he was taken home D -

That D fired at dog of W when he was using him to drive off the cattle of D from his corral & the W was very angry -

Thinks that A. Moore ^{or} at Inquest that D was driving away his cattle as well as D's own, but is not certain -

- Saw Matthew M. brot before the Inquest - he had his head tied up -

Jane

Jane Brine, wife of last Mr. lives at Godmanchester -
on night of 18th Sept. last - she had not gone to
bed - heard John Moore call out for his
father - the sound came from Moon's premises
she waked her husband & went together there
and saw the Drs. leaving the D. lying on
the ground - they asked of Drs. what was the
matter, the old Moon said that D. was dead.
^{old Moon} He asked Mr. to go back & look at D. - they
did so, but D. could not speak to them -
until he had vomited something where he
said he was gone to another world - She
went for his friends, and they came & carried
him home - The first cries she heard
were those of Dr. crying out Murder, and
knew his voice - he mentioned the name
of Moore - when they went up to him, he
said it was Moore his Daughter that had
killed him - he was covered w/ blood, and
all cut up - saw a wound on his left
temple - when they went up, Matthew
Moore was walking away with the others -
This was on Drs. farm -

That McCullum's house is on same side of
River w/ that of Drs & their nearest neighbour -
Mr. skinned crossed in a canoe, so McCullum
fined them over - First heard John Moore
call

call for his father, and apparently in distress. She woke up her husband, saying she heard some persons quarrelling, but did not know what it was - While her husband was getting up, she went to the door and heard D. & P. Arch talking together, and heard blows given understood it was a scuffle

It might be $\text{a } 10$ yds from the body of D when they came up to them, & they were going homewards. The Dr. Arch then said that D. was dead - That Dr. Mathew followed them and had blood on his face - Mathew was walking home with the others

That Moore's house is between the river & the road and the field where D. was, is on the other side of the road

The D. was considered as a hard neighbour by some, & a good neighbour by others. - Her husband had a quarrel w^t him about a dog - she had set the dog to drive the cattle of D. from her husband's farm -

William Hunter lived in Sept last w^t D - on Henchamford a ~~man~~^{old man} came that night says D. had been murdered, Mr got up & the rest of family - and went w^t daughter of D. to land of D's where they found D - he was lying on his right side - Mr thought him dead - Barney spoke to him - the D. requested of his daughter to take him home as he thought he was dying - & that it was old

Moore

Moore & his daughter who had done it - saw
much blood about him - Mr got a door laid him
on and carried him home - When Mr went up
to D. the girl Moore & the boy were there -
D's daughter asked of the boy Moore, why they
had done that, the boy said, it was he wanted
to kill his brother Matthew - D. died four
days after - Saw D. afterwards, one of his eyes
appeared as entirely out - The day before the
accident D. was perfectly well

The cattle of D. had been impounded by
P. on Friday night before, they were shut
up in a barn & afterwards in an enclosure.
This barn might be about 3 acres from the
place where D. was lying, -

That the distance of D's house from the place
might be 3 acres -

D. was lying in a pasture land - bush land
where cattle fed -

Between that place & house of Dr there is
hay field, & is separated from pasture by a
fence, and D. must have had 2 fences
to cross to get to place where he was found
that night. -

Known that daughter of D. went over a fence
& milk the cattle while in the possess of P's

that night saw D. go into his bedroom and

Mr. shot he was gone to bed, as that was his usual hour of going to bed -

The back door of house was open - which was generally so - Did not hear D say he had occasion to go out that night -

Was surprised to hear Mr. Birnie come to wake up the people of the house afterward -

On the morn of Monday, W. carried a letter from D to P^r about the cattle demanding them & if he did not deliver them up, D would sue P^r at law - There 2 cattle -

There was a pitchfork in D's house - & W. has used - D. had 2 pitchforks, wh. were differently made there was one of them missing on the 3^d day after the pray -

There was a mark on the handle of the pitchfork. the letters A. Clark like the one now produced and to the best of his knowledge the fork now produced is the same that belonged to D -

Saw Matthew Moore next day, saw blood on his head. & t. was bound up, he was in bed -

Hence John Moore say at the ground, that D had attempted to kill Matthew in presence of all the persons present & of D who said nothing in answer -

Saw Cattle next morn^g wandering about. & he believes belonged to Moore & Laurie - same that had been shut up in the barn of Dr. Moore,

but

but does not know how they got out

Isaac Gardner, livermore & Chinkinbrook - was there last Sept
Spoke w^t. Arch^d Moore about D^r's death, after his
decease - He said that he now expected that D^r
would come and take away the cattle from what
his daughter had said the day before - He said
he would not deny ^{but} that D^r had been murdered
and w^t that D^r met with his death that night
from the P^{rs}

*

This was about 8 days after D^r's death -
after the Inquest - Mr. Arch^d Moore was at
large at the time -

Heard from family that Mathew had been
wounded -

Edward McLean lives at Huntingdon village - saw laurel
dead - in Sept. last - in his own house - saw D^r
spin his head - The morning the cattle were
taken away. A. Moore - d^r. he expected that D^r
would come there that night and was prepared for
^{from what the Daughter of laurel said}
him & if he came he would not allow him
to take them - That he had lifted an ax - that
he slept in between D^r & his 2 sons - and that
he struck D^r not his left hand - he thought on
the thigh with the ax -

*

Saw A. Moore coming up - his cloaths all bloody -
and spoke of the matter - said he went out to
his

his sons - who had been on the watch to prevent
the Cattle from taking away the Cattle -

That P. said that his son Mathew had been
wounded, and that there was a pitchfork there -

That P. said he had interceded between his sons
& D. in order to save his children -

The P. spoke freely especially about the matter -

There is pasture & meadow land on Moore's farm -
& some fencing -

That when he spoke to A. Moore, he had a pitch
fork in his hand, which he said he had found there -

Eloisa Laurie - daughter of D - on night of 10 Sept. She
was awoken up by Mr. Barnett, who told them
that her father had been attacked - went to the spot
was Janet Moore, John Moore & Mr. Barnett -
her father was lying down - told M. to take him home.
He was not able to speak much - & he said his death
to Janet Moore & her father - He was covered with
blood - Janet Moore was present - she said she
might be the cause of his death, but she did not
know - D. had a wound in the thigh - he had
left Friday - was in good health before this -

L-

She was in the habit of milking the cattle which
of Moore's - That day they had been twice milked.
The cattle were fastened in the barn - Moore's boy opened
the barrier for her when she went to milk the cows -

Robert

Robert Lowrie, Jr. son of D. On night of 10 Sept. he was woken up by a person who told him his father had been murdered by the Moon family - saw his father and saw him on the bed - he said he was badly hurt and could not live - that Barney had gone for the Doctor - he came there & dressed his wounds - The D. told Mr. that Matthew Moon jumped over the fence and struck him w^t a club - & then the others attacked him - some laid hold of coat & pulled him down

Heard A. Moon acknowledge before the Inquest that he had struck the D. and Janet Moon said that she had struck him with an egg qt. she found them - and John Moon said he struck him w^t a pitchfork -

That A. Moon had dragged D. by the collar after beating him to a distance of 32 or 34 feet.

L²

The D. was a stout man - understood that Moon's farm is 6 acres wide - place where D. was found is ^{the} pasture land - distant about 5 acres from house of D. - and about 3 acres from division line between their lands -

The pitch fork now produced is very like one he purchased qt. he left on his father's farm - the one he purchased had a stamp on it like the one produced. The name of the maker is upon it & upon all the maker generally makes -

Never

never remembers having said that he was told
that his father had taken a pitchfork with
him that night. — Did not say that his father
had taken a pitchfork that night to feed a mare
or otherwise — Does not remember that he ever said
that his father took out a pitchfork that evening —

The D. spoke of being struck with axes — also with
a pitchfork —

At the Inquest — The Daughter said there were three
axes lying on the spot & she used one of them —
and that John Moore struck her w^t a pitch
fork —

That A. Moore said that he had come to the —
assumption of his 2 sons —

Henry Megeyer — a Surgeon — was called on the 10th
Sept last to attend the D — He had severe blow
on the left eye, one on the right side of the head, and
2 deep cuts on the thigh, and wounds on several
parts of the body — the wounds on the thigh appears
to have been made w^t a sharp instrument — that
over the eye & on the head with a stick — attributes
his death to the blows over the eye and ^{on} the head —
The head was opened by Dr Bell in absence of W^s

These blows would produce inflammation, which
would affect the mind of the D — saw D. about
2 o'clock in the morning that his mind was wavering
he might have had some small intervals of reason
he could not have attached faith to any communication.

Proceeding

proceeding from him —

Wm Bell, surgeon in Canada — was called on to visit D. after his death — at Hinkshook —
left cheek bone fractured — a small contusion
on the back part of head not severe — a small
wound over the eye — saw wounds on thigh —
opened the head found an extravasation of blood &
got no attributes his death — no fracture of the
skull — brain slightly inflamed —

The blow on the eye was small the bones are thin
there, had the blow been severe, the bones must
have been broken —

The wound on back of the head might have been
produced by a blunt instrument — those on the
thigh by a sharp instrument —

X

Saw no marks of a pitchfork on the body of
the deceased —

From the upper of the head thinks the D. must
have been drugged before his death —

I has known D. about 2 years from personal
experience he found him to be a violent man
he had character of a violent man, and his name
alarmed many — he was shamed by his neighbours
and had no consideration for his enemies — He
was a very strong man, and much stronger than
any of the Pr — W had some words w D —
in Hinkshook store — D went out & won him after

Mr

the Dr went out upon, & going on he heard some
one follow him, and looking round, he saw the D.
w. a large stick in his hand, made a violent blow at head of W. & he
averted by stooping, otherwise it must have killed him —

He attended Matthew Moore, the P^m about 12
hours after the scuffle - Found 3 wounds on his
head - one on the right side of the head of about
1 inch long - 2 on the back part of the head of
about 2 inches long - must have been inflicted
by a narrow pointed instrument, and a stab -
the fork now produced was very likely to
have produced such a wound -

We saw bruises on other parts of the body of
Matthew Moore - he appeared to have been
engaged in a struggle between life and death
the scars of these wounds must still remain.
The wound though dangerous was soon
healed, but might have turned out in death
of the young man -

Was present at Inquest - when Mr. Moore was
produced there - with the other prisoners -
he had taken down the declaration in writing
of Mr. Moore -

We had taken the declaration of the P^m, but
was rather indifferent to what passed at the
Inquest & cannot state it particularly -
Never heard the girl say that three axes had
been employed -

By A.H.

B.
Richard Banks - lives in Galtmanchester, was then
in Sept last - heard of death of D -
About end of October he had returned from
Montreal, & on his return from the fell in company
with A. Moore his son John & daughter -
on the traverse - He asked John how the
quarrel commenced, & it was about some cattle
that broke into the field of his father - he said
they had axes and a pitchfork and struck
with the fork - & that it was he who gave
the fatal blow, and that it was with the
axe on the back of the neck of D - as he
was lying on ground - The girl said very
little, but seemed to regret the accident -

X
He had heard the story from some others
and asked the boy as a party concerned
the wife questioned the boy, and he answered
very freely - it was in the steam boat -
he thought he had a right to put a civil question
to a stranger - and he stored up in his mind
what passed at the time - In that the weapons
employed on one side & the other were very
improper to be used by reasonable men
that Robert Laurie was in the boat w him
& he mentioned to him what he had heard from
the Dr. John Moore - he left Laurie on the

Dark

dark, but did not go down to Cabin in purpose
to question the boy. —

Friday 8th March 1833

Mr Ch. Justice & Justice Ayk & Rolland
^{Prest}

The King }
Arch Moore } On Indictment
Matthew Moore }
John Moore }
Janet Moore }

The Jury being returned into Court and
called over and appears the following witness
were called —

Wm

William Cowron - Just. of the Peace at Hunchenbrook
opposite to Godmanchester, he is generally applied
by neighbours on complaints about their cattle -
it gives him occasion to know the people - The
P's have been settled at Hunchenbrook for bout
3 years - knew D. has been in poverty for
10 years past - That Mr. A. Moor has made
several complaints agt D. - and a little time before
the affray, that he had found the cattle trespassing
on his oats, had shut them up he was afraid
they wd be taken away by force - He advised
him to keep them shut up until he could
get a settlement - The O. S. he would put one
lock on his barn - Next day when he got
up he found Robt Lowrie, who told him that
D. had killed his father & wanted a warrant
He gave him a warrant - Soon after Moor called
and demanded a warrant also, saying his son
Matthew had been severely wounded & he feared
mortally - he wanted a warrant agt D. - He
did not give him one - O. S. he was anxious
in enquiry O.S. he would go and bring up his
family except Matthew who was unable to travel -
allow'd his family come in consequence, & admitted
them to bail to appear at Dr. Livers or K.B -
a few days after D. died - He had an Inquest on
the body - it was held at house of D. - when the
P's attended - a Jury was sworn & witnesses examined
and minutes of the evidence taken - and a Verdict
given

given which was signed by the Jury & the Procto
that Mr Gardner aided with him in taking the
Inquest - several witnesses were examined - Dr
Bills son Metzger, Barney or his wife - the son
& daughter of D - the Dr's also were separately
examined - They appeared willing to give every
information to the Jury. -

The Dr. A. Moon stated that he had shut up the
cattle of D. in a barn, & in evening sent his boys
out to see if cattle were safe - after they had been
gone for some time, heard a cry, & he took to be
the cries of his boys - went out w^t his daughter,
she run faster than him, when he got up
he found the 2 boys & the girl down & D on them
beating them, he laid hold of a stick & struck
them he found, and struck D two or three
times & pulled him off - D said more you
have killed me - Dr said you have killed
Matthew - The D - Dr said he was ashamed of
himself, leave me to die here - said they even
obliged to carry Matthew home, as he was much
hurt - Barney assisted in carrying him home -
The two boys were exam^d also - Matthew had his
head tied up, and looked pale - John said,
that he had been sent out by his father in the
evening

over to see cattle & found D - who was driving off his own cattle & some of O's also & had a pitchfork in his hand - that they called out to D. why he was driving off the cattle, & endeavored to stop them, on this D. came up to them and the conflict ensued, it was not said who struck first - D. had a pitchfork in his hand - that the boys called out for assistance, as Mathew had been struck with the pitchfork that Mathew & D. clinched, and fell & John pulled away the pitchfork, and struck D. with the handle of the pitchfork that on this D. laid hold of John and threw him down and beat him - the father and daughter & father then came up - that Mathew was very bloody & was carried home -

The girl was also examined, who stated some in substance as her father - she got up before her father, & said she found D. under brother, she look round & saw an ax and struck D. with it - only one ax, was spoken of - The father came up after her, that she & D. got hold of her & threw her down - does not recollect what she said in regard of the father.

There was a pitchfork produced as found

on the spot, by one of the McCallum -
Robt. Laurie was examined about the pitchfork, but
did not seem to recollect any thing about it - he said
he had owned such a pitchfork - it was called a
gravelot pitchfork, made in flats, & he only knows of
two in his neighbourhood, one of Mr has. & this
one - Robt. L. said something about having left
it in a field belong to his brother -

Eliza Lemire was exam'd said she recollects having
seen such a pitchfork, & a similar one had been
brought to her father's house by her brother, & finally -
admitted it was the same pitch fork -

Believe the forks now produced to be the same -

Other parties were neighbours - Mr farm is 6 acres
wide - The highway crosses it & D's farm - The
house of Mr is between the River & the road - & may
be about 4 acres from the road - The barn is on
the other side of the road, & seemingly at 2 acres
distance from the road - believe that Mr farm to be
divided into 2 or 3 fields - The house of D. - may
be distant about ^{or} 6 acres from this barn - and
nearly in a line with the barn - knows of one fence
D. would have to cross before getting to barn -

The Dr was considered as a truthteller neighbour
and was considered as a powerful man, and the
complaints to him by them w^t D - were numerous
as they appeared afraid of him - That Barney
complained of him more than once - and Robert

Laurie

dearie his son complained of him - and the general opinion was that a part of his family could not live with him -

That Dr. Masson occupied the farm of Dr. upon them - he complained frequently of lame legs and he could not live there -

That Dr. A. Moore claimed the protection of the law agt D - saying he must abandon the place if he could not be protected against him

Heas Dr. A. Moore since he came to the country, always considered him as an honest quiet and peaceable man, & the family are well spoken of -

The Dr. John is aged about 12 or 13 years - the other may be 16 or 17 - both of them he considered no match for the D -

Knows one Rich Danks - who has been in that part of the country for some years - does not recollect he ever communicated any information from him on this subject last fall.

2.

The D - was considered as a violent man - some of his own family complained of his moral character - but that he did not hear in the neighbourhood -

James Davis of Brudenbrough - Capt. of Militia, about 2 miles from Dr. has known them 2 years. The character of old man, is that of a quiet, peaceable industrious man rather poor. Know Dr.

Nis

his general character was that of a troublesome
man - & quarrelling with his neighbours - a
strong man - thinks he was a son of John
the 2 Mrs. John & Matthew Moore -

No Barney - a man given to liquor - has heard
him say that Mrs were good neighbours, and
that D was the contrary, as they had disputed
together about their cattle -

X

Barney has been employed by Mr & found
him an honest man - I would believe him
on his oath. -

Marie Amable Thibault, wife of Neil ~~Mc~~Callum
lives on River Chateaugneau, is neighbour of Mrs.
On the 10th Sept. last she heard Mr P. John Moore
cry loud out to his father - heard blows given
as w^t. a stick, of sh^t. that Mr P. was then
receiving - She knew his voice - went in and
waked up her son - she heard John Moore
cry out, Matthew, Matthew - and heard Matthew
P. see my head all cut - She heard the voice
of a. Moor saying, you rascal, how come
you to steal my cattle at night - thinks the
father went there & heard the cries of his son -
After the battle, Barney came from the other
side of the River on the Canot of Mrs son. - next
morn. she went to see the Mrs. They appeared

very much hurt - and Mathew was unable
to work for 2 weeks -

Has lived there 5 or 6 years - has known Drs
since that time nearly - They are good neighbours
The D - was a man of bad character and a
troublesome neighbour -

In Icam Rdth Masson - lives at Godmanchester near Drs - has
known them for upwards of 4 years - They
have always enjoyed a good character, quiet
people - Knew late R. Laurie - was seven
years his neighbour - was obliged to quit his
farm on account of the character of D - who was
so troublesome - The Drs now occupy the same farm.
D was always in trouble with his neighbours on account
of his cattle -

The D - was a very strong man - That not
four like the two boys at the bar, would be
a match for him -

There were about 3½ acres from house of D
& the barn of Dr & 2 fences - The house of
D is about 4 or 5 acres from his barn -

Pierre Masson of Thunchenbrooks - He Dr for 7 or 8 years
never heard anything against their character - quite
respectable. Knew D - his father lived on the
land now possessed by Drs & obliged to leave it on
account of the troublesome character of the D -
This was his general character - He was a strong
man - does not think 2 boys at bar a match for him.

Jarnes -

James McCallum, son of Mr. Thibault - was waked up by his mother on night of 10 Sept last, who heard noise. The dogs were fighting - he heard cries - the voice of Matthew, who was crying out - my head, my head is cut - did not hear cries of John - Heard the old man after say, you thief, you come to steal my cattle, go home - Barney called him, he went across the river about him and his wife across the river - Barney was much intoxicated - he broke a paddle, and next day did not remember it - knew Dr - did not hear his cries -

John McCallum, son of Mr. Thibault, neighbour of Dr opposite Barney's - That next morn he went to the place where the battle took place, and found a fork broken at handle - he gave it to Dr John Moore - saw blood there - saw Dr Matthew Moore - he had 3 cuts on the head and his face covered with blood -

It was a fork like that now produced - the handle had been carried to the house - there was blood on the handle - there was a name on it - the same handle now produced -

Knew Dr he was a violent man - strong man and 2 boys at bar were no match for him -

Neil McCallum - lives in Hinchinbrook, neighbour for 6 years of Dr persons of good character & neighbourly known Dr who was a trouble some neighbour has heard him

him boast that no man would attack him -
he attempted to master the neighbourhood, as he was
afraid of him -

James Jamieson, lives in Henderbrough - The day after the fray
he was w^t. John Lowrie & Wm Hunter were w^t him
at the place - saw cows coming up - observed that
it might be supposed they were going to take the cattle,
saw D. after he was beat - his mind was gone -
he did not seem able to speak -

Wm Robertson - had occasion to pass by house of Drs ~~sons~~
the Sunday before the scuffle, he met Matthew
Moore - who showed him where the cattle were
dashed him if they were secure there - one of
them was tied up -
good character to Drs - great & peaceable people -
heard that D - was a bad neighbour

James Hamilton - lives in Godmanchester - knew Dr
the opinion of neighbourhood was not favorable
of him - many persons complained of him to
Mr his wife of family were obliged to leave him -
the pos about a year ago complained to him of Dr -
of his cattle -

Matthew Charles lived 6 or 7 years in Henderbrough know
a Moore. He had character of an honest, quiet
& peaceable man - R. Rich. Danko - would not
blame on oath in a matter in wh. he was interested -

Michael

Michael Scott - The wife is brother in law of Dr. Dr.
Dr. A. was married to his sister - The boy John
is aged about 13 - and the other Matthew is 15 or 16,
believes the children to be well brought up

Wm Bell - surgeson that extravasation of blood
may arise from a slight blow, & even without
a blow - The contusion on the teguments was
slight, but sufficient to have produced the
extravasation of blood he observed - The wounds
on the limbs did not produce death -

Thinks that if D. had intended to murder the
D - they would have struck him in some vital
part - He consider the intention was rather
to defend themselves & put D. out of power of
hurting them - That 2 boys did not have
attacked D - but would have defended themselves

Verdict - Not Guilty of all the
Prisoners -

The King. - }
John Crommer. } On Indictment for Forgery or com. Law
a check on Montreal Bank for \$200
in name of Peter McIntosh -

Henry William Jackson - was in the employ
of the Bank ^{as personal} Sept. last, it is a corporate
body

The Wks. was paying teller - on the 20 Sept
last, he saw the Dr. in the Bank, never saw
him before, he presented a Check ~~as~~ signed
by Peter McInlock - Check read -
This check Dr. promises for paye in 40 bills
of 10 dollars each of the monies of the Bank
after the money was counted Mr. suspected
Dr. from the hurried manner in which he
took the bills up in a hurried manner,
went off - exam'd the check more particularly
he had doubts as to the validity of signature
he went out after the Dr. but knew not
which way to go - went to Mr. Weston's
he was told he was not in town & that the
check was not his signature - The same
day he saw Dr. in a Shop exams some
days - taxed him with presents re check
of never forged, he looked alarmed - he
took the 40 bills out of the a Book, and
returned it to Mr. he said he had the check
from a person at Lepraria & was afraid
he might lose his money - He took the Dr.
& the Bank & went for the cashier - when
Mr. came back the Dr. had escaped - Mr.
went in pursuit & found others in advance
of him & he gave it up - That Mr. Weston
brought

brought the forged check back to the Bank —
That Mr Peter Mc Intosh, a merchant in Montreal
used to deposit money w^t the Bank, and
to give Checks — Has heard that Mr Mc Intosh
^{was}
is dead —

Is not certain that he has seen Mc Intosh
write, but believes the signature attached to
a deposition now produced to him — That
the signature to the check he paid to the Dr.
is not the signature of Peter Mc Intosh, but
somewhat like —

x^o.

He compared the forged check with other checks
of Mr Mc Intosh — it was a stiff hand, and the
ordinary signature of Mr Mc Intosh which is a
free and bold hand — His hand of Dr may
often sitting up or otherwise, be less steady than
at others so as to make some change in handwriting
The checks are sometimes made payable to particular
persons sometimes left in blank & payable to
bearer

When he saw the Dr in Klow's store — he told
him that the check he had given at the Bank
was not Mr Mc Intosh's signature — he appeared
flurried, as afraid to lose his money, saying he had
got the check from John Morgan at La Prairie
He told him he must come to the Bank —

he

Mr P^r went up stairs to Banks, slept there
below, and went upstairs to Cashier, where
he remained a very short time, when he came
down the P^r was gone -

Saw him come back accompanied with several
persons - he had no further conversation with
them -

Benjⁿ Holmes, Cashier of the Montreal Bank was
so on 20 Sept last - Mr had been out, and
on his return saw P^r there, he had been arrested
was informed by last M^r of the cause & put
the check into the hands of M^r same now
produced. Has seen all Intorh write, and
sign his name, and that the signature to the
check now produced is not the signature of
Mr Peter M^r Intorh, who has money in the
Bank of Montreal -

It is the duty of the paying teller to pay all
checks presented to him - they are addressed to
the Cashier, and the form of the check is the
same generally as that now produced -
There is a similarity to the signature of
Mr M^r Intorh - He has left Canada last
fall & heard he is since dead - This check
was delivered to the M^r and is attached to
the affidavit now produced -

F

X^o

Has seen instances of persons taking up
the money & P^t them without counting it -
when he saw O^r he appeared flurried -

That about this time Mr M'Intosh was in
bad health -

Has seen Mr M'Intosh sign his name 20 times -
and positively believes that this check is not
his signature, but will not swear that Mr
M'Intosh did not sign it -

++

says he has proof before him of the signature of
Mr M'Intosh which

John Henderson - has lived 16 years in Montreal, has
known late Mr P. M'Intosh never to know him
has heard of his death by public prints - has
seen him write hundreds of times - the signature
on the check produced is not his nor like it -
knows no other Peter M'Intosh than the individual
he has mentioned

P-

That Mr. M'Intosh never wrote that name - He
signs at times sign his name differently, but
to be well known - does not think that sickness
or shaking of the hand would cause a very great
change in his signature as that the general run
of it would not be known - The signature

to

To this check is not like Mr Mcintosh's -
that all Mr McIntosh was undispersed at the
time and before the time of making this
check, indisposed. —

James Somerville - has known late Mr
Mcintosh for 20 years - has seen him write
or sign his name almost every year - Had
this check been presented to him he would
not believe it was his signature -

It does not at all resemble Mr Mcintosh's
signature - The state of his health did not
affect his signature.

Jos. Timothy Gaudent, late Mr P. Mcintosh
was a neighbour of his & he had frequent
opportunity to see him write and sign
his name, & that the signature to the
check produced is not his signature.

François Derry was well acquainted with the late
Mr P. Mcintosh has seen him write and
sign his name several times & a. &
does not believe the signature now produced
to be his -

Emile Derry, was in Bleury Street I.L. about

about

about 20 Sept last she saw O who
came in to her house by the window, and
she found him under her bed - he came to
enter by the door, but on seeing her he went
round and got in by the yard by the window,
there were people after him, and he was
arrested there -

The O appeared frightened -

~~Defense~~
Defense

Henry William Jackson - There was a great
crowd with O when he came back to
the Banks -

George Boy, knew late Peter M'Intosh - he left this
country for Europe last year about close of the
navigation - he was so ill as not to be able
to attend to his usual affairs - Should think
he would not be able to write or sign as
usual - he had been ill some months before
his departure for Scotland - The business Mr
W^s had to do with Mr M'Intosh he could not
do -

X^o

The witness cannot read the check -

John Boy, knew late Mr M'Intosh - saw him before
20 Sept last - did some work for him - saw him
one day so agitated so that he could neither speak
nor

nor sign his name -

We had some difficulty w^t Mr Whitlock
and he would not speak to him, & from the passion
he appeared to be in he was unable to write -

Verdict Guilty

Saturday 2nd March 1833.

Pres:

The Ch. Justice & Justices Ryke & Rolland

The King
John Sacey

On Indictment for stealing from
the dwelling house above the value of
40/-

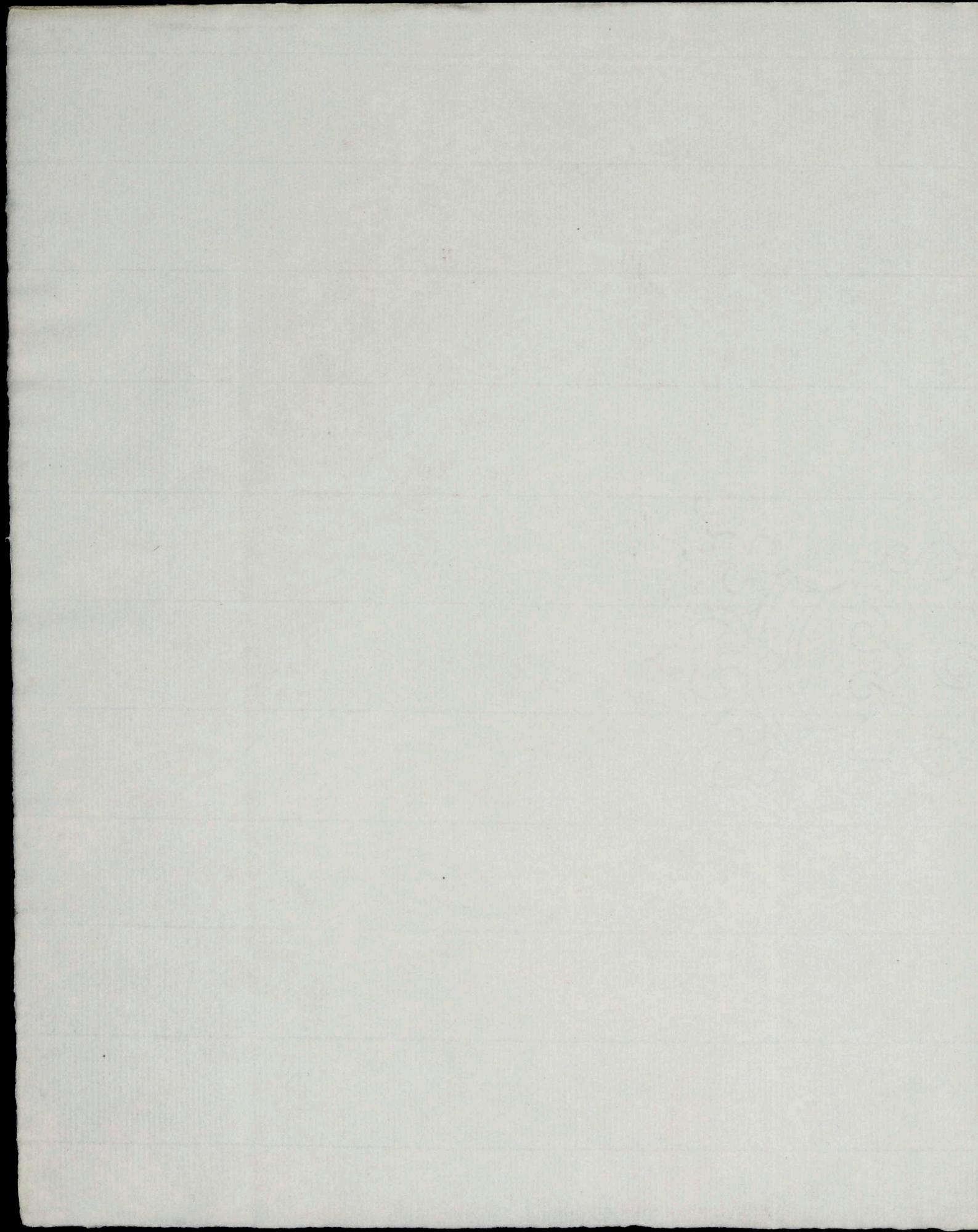
The Prisoner on his arraignment pleaded
Guilty -

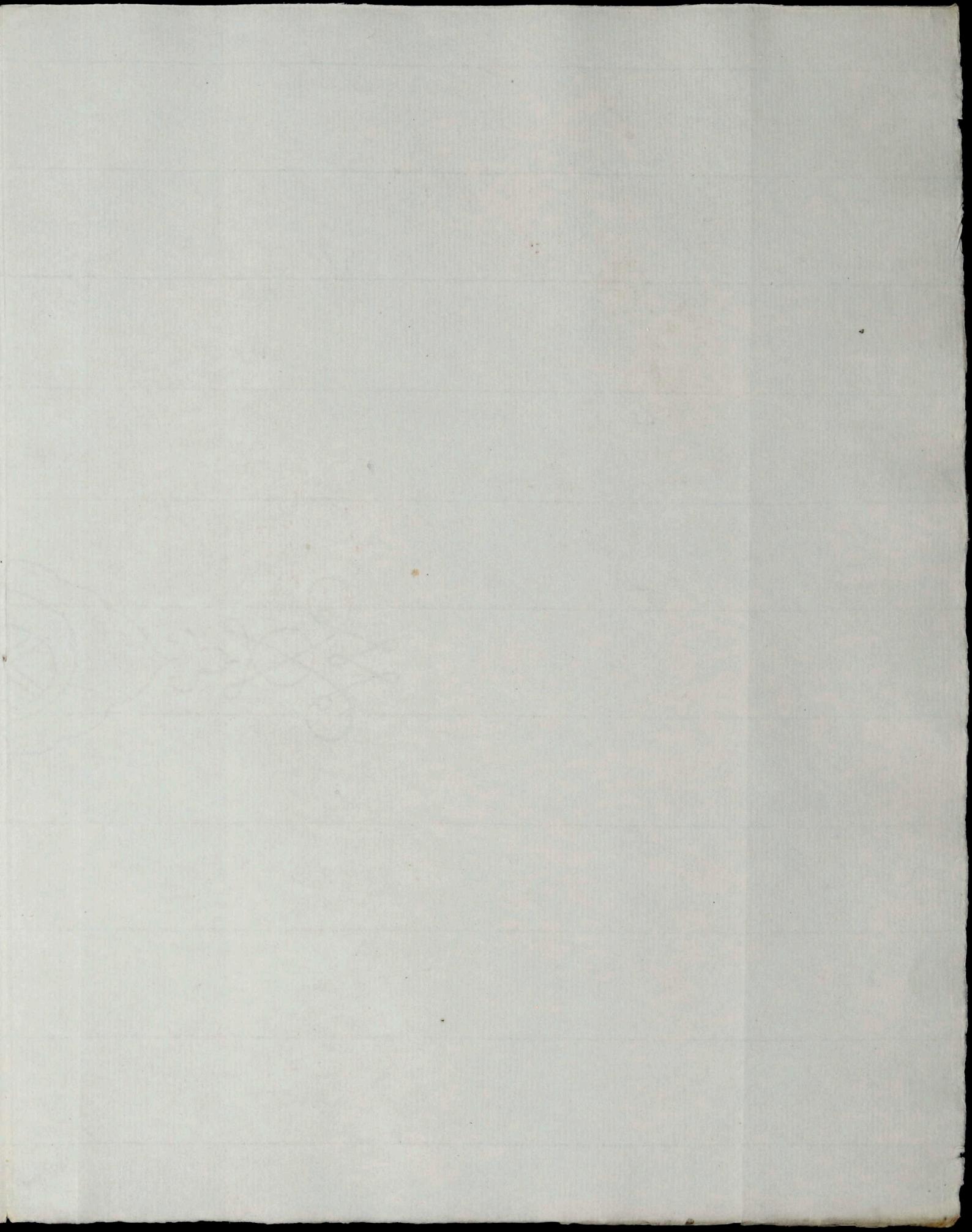
The King
Maxime Maxwell
Pierre Thibault

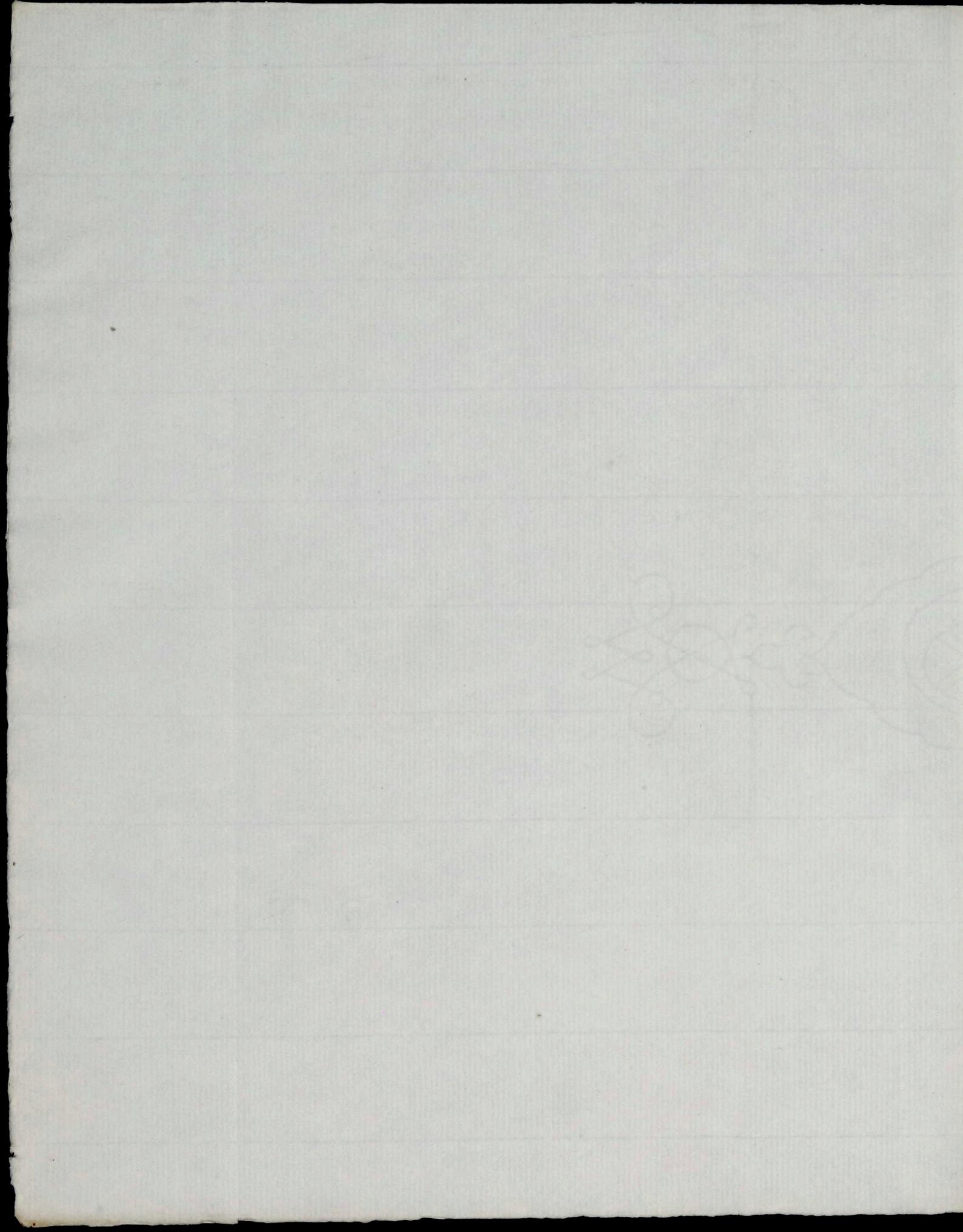
On Indictment for Grand Larceny
The Prisoners on their arraignment
severally pleaded - Guilty. -

The

The following sentences were pronounced
on the Convictus had before the Court this Term.







District of
Three Rivers }

Criminal Court. March 1833.

Wednesday 18th March 1833

Pres^t
Ch. Justice of Montreal
Mr Justice Pyke
Mr Justice Vallée
Mr Justice Panet -

The Grand Jury was called over & 18 sworn,
Louis Guillet, Esq. was appointed foreman

The King
n^o 7
Urbain Hamouy }

An Indictment for Grand Larceny. —

Jean Couvillon vers le 8 Decr. der. il a rencontré le
Pr^e il est venu chez le tém^m. - il étoit tard - ont pris un
coupe de vin ensemble - ils ont parti ensemble pour
avoir du vin - il étoit trop tard - Maltons a déclaré
y en avoir dans le hangard de Mr Fletcher - le tém^m a
proposé d'y aller - cela content un Pr^e d'y aller - le tém^m
lui a proposé d'y aller toujours - a proposé d'entrer par le
chassis du pigeonnier - enfin par la porte - on a essayé
d'entrer - pas réussi - il a pris un fondin ^{entre} avec le
service du Pr^e la porte s'est ouverte - on y est entré -
le tém^m ont trouvé un pipe de vin - ont été chercher un
vrai chez Maltons - le Pr^e est revenu avec un sac
& chaudière & un vrai - on a tiré du vin, le tém^m. a posé
le pipe - ont rempli sac - l'ont porté chez Maltons

le tem. a été chez lui querir un traîneau & on
a sorti 2 deniers quart de lard & un quart de lard.
on a chargé le traîneau & porté le lard chez Mallons.
Et il a mis la - au pied de l'escalier - & Mallons &
le P^r ont monté les deux quarts de lard dans la
maison - on est revenue ensuite dans le hangard
de la P^r y a trouvé une couple de poches - &
on a pris une 30 harangs & mis dans chaque
poche - le tem. a encore tiré une demie de
vin - le P^r a emporté une des poches de harang
& a laissé le P^r avec le quart de lard dans
le traîneau - le tem. l'a mis dans la neige
pris du hangard de Mr Bell. & l'a couvert -
Ensuite le P^r est parti avec les harangs, la demie
de vin dans son traîneau - avec un paquet de
papier - il y avait une adresse sur le papier
que le tem. a ôté - Le q^d Dimanche le P^r est
venu chez le tem. et lui a demandé d'aller
encore chercher du vin - & on a encore tiré
une demie que l'on a mis chez le témoin -
Un chaque bouteille de vin pourroit contenir environ
2 gallons & demi.

Le tem. fut arrêté & a donné connoissance du fait
qu'il avait caché le quart de lard.

F

Le témoin n'a pas pris de boisson - c'étoit vers
minuit - a vu Mallons, qui a sorti pour monter
les deux quarts avec le P^r chez Mallons - le témoin étoit
alors ivre - Il pensoit que les quarts contenoient
du lard - mais a pas ouvert -

Philippe

Philip Burns, high Constable - En deux ans, il a informé
du vol dans le hangar par Mr Hastings - il a eu
un warrant de recherche & a cherché chez Compton -
il n'a rien trouvé des effets - mais a trouvé un paquet
de papier - que la Fem. de Compton lui dit avoir
été porté chez elle par le P^r - lequel a emporté
le papier - Compton fut arrêté - mis en prison -
et sur son examen déclaré son désir de devincedition
de la femme - le Magistrate a pris son examen
volontaire - d'après ce qu'a trouvé désigné par Compton
puis de hangar par Mr Bell - il a trouvé le paquet
de lard, enterré dans le riz - il étoit emprisonné, &
adressé à Angus M^r Donald, Trois Rivières -
Il a été retrouvé chez Mattons - a trouvé un paquet
de blanc de plomb & devant le baril peint en
blanc, avec Diamond Et., il suspendoit à la
margue de Mr Hastings, tel a gardé le baril -
Dans le grenier de Mattons il a trouvé un paquet
plein de lard qui avoit été départé - & couvert
d'une vieille poche - dans un autre paquet, il
a trouvé 33 harangs salés - tel a tout emporté -
& lorsque les forces de Mattons ont été arrêtées -
c'est sur l'information de Compton qu'il a été
chez Mattons, comme il disait que il y avoit deux
demi paquets de lard porté chez lui -

*

Le Compton est un homme d'un mauvais caractère
& il l'a每每 soumis pour le vol -

Richard Thomas - étoit au service de Mr Hastings en deux
ans, et avoit loué un hangar dans lequel il mettait

des marchandises, il y avait des fromages
et quarts de lait, des harangs - du vin - il
étoit du dessus du tom. de voil si le hangard
étoit fermé le hangard - Il s'est appesent le
premier que la porte avoit été déformée - la
terre étoit cassée - il paraissait que l'on
avait forcée la porte - il n'en quel mangrois
plusieurs articles du lait - plusieurs quarts, mais
ne peut dire la quantité - du vin aussi - le
quart de vin avoit été percé par un ver, d'
une quantité entre 7 à 8 gallons à son estime -
il manquoit aussi des harangs

Estime le quart entier à 18 pieds - les 2 demi
quart le même prix - le vin valoit $2\frac{1}{2}$ le
gallon - le harang - & - tous ces effets étoient
dans la possession de Mr Haughey -

Le piment blanc a été volé à la porte du
magasin de Mr Haughey, quelque temps avant
le vol du hangard -

Henry Frank Haughey marche agent à 3 Rue - et
avoir loué un hangard de Mr Bell depuis
3 ans - & tous les articles déposés la étoient sous
sa charge - en Dior. der. il y avoit du lait,
du vin, & des harangs dans le hangard - a été
informé que le hangard avoit été défoncé - a
trouvé le dessus cassé, & par un bois le bas
de la porte cassé - il manquoit du lait, ne peut
dire la quantité, comme il appartient à Mr McDowell

et un quart au moins en graine de lard
demi-quarts - 7 à 8 jellous vins. Des haricots -
après ce a pris garde qu'il mangiait dans poche
et un paquet de papier -

reconnut la poche produite qui il reconnut pour
la même qui était en sa possession

De la paquet de papier qui a été trouvé chez Couvillon
le tems. avait lui-même mis dans le hangard -

Il a vu le quart de lard trouvé par Burns,
et le reconnut par les marques être une partie
de ce qu'il y avait dans le hangard appartenant
à Mr Mr Donald - estimé vint à 3/6 le jellous -

Le baril de plomb. mangiait quelques tems -
au paravant -

*
The hangard aux quai appartenant à Mr Bell d
ont été loués par le tems. pour la compagnie du char
bon - Couvillon est un homme de mauvais caractère

Angus Mr Donald, apres de Mr Caldwell l'automne dernier
une quantité de lard appartenant au tems. a été
déposé au hangard de Mr Hughe - 3 quarts, et
4 demi-quarts - a ses que on avait défoncé le
hangard, et volé du lard - à la tems. a été informé
qu'il mangiait un quart & 2 demi-quarts -
En février, Burns lui a montré le quart qu'il
avait trouvé - à quel renouvellement lui appartenait
et avait été déposé au hangard de Mr Hughe -
l'estime à 16 ou 17 piastres - Il en a disposé depuis
et a été mangié & inspecté -

Philip Burns - qui a livré le quart de lard qu'il a trouvé à Mr McDonald qui l'a reconnu pour lui appartenir -

Le poche maintenant produit il ayant trouvé chez Malton qui connaît le quart de lard

Il a trouvé le quart de lard sur le même quai
près d'un autre hangard - & à environ 200 pieds du
hangard déposé -

Verdict. Guilty. —

The King. —

Alexander Woods
otherwise called
Alexander Thompson

On Indictment for stealing above the
value of £6/- in a dwelling house -

The Prisoner on his arraignment
pledged guilty to the charge laid in the
Indictment, of stealing the different articles
therin mentioned, save and except as to the
bills for five dollars, of the steals of which he
says he is not guilty -

The Prisoner said he was an Englishman
had been in this Country about nine months
and is by trade a painter - that he has no
persons here acquainted with him or who can
speak to his character -

Thursday 11th. March 1833

Pals²

Ch. Hudon of Montreal
Hudon, Fifer, Vallières & Panet

The King. -

Hubert Meunier
otherwise called Hubert
Lagasse - otherwise
called Lambert Meunier
otherwise called Lambert
Lagasse.

On indictment for breaking
above the value of forty dollars
in a dwelling house -

10 French crowns - £2. 10	
5 Sps. dollars —	1. 2. 6
10 Am. N.Y. dollars	1. 2. 6
12 copper —	5
of mousis of Jean Colombe	£1. 15. 5

Jean Colombe - lives near Church of Beaumarie -
on the 23 Sept last, he was in his house - it was a Sunday,
16th P.M. for 10 years - he used to come to house of Mr.
He came to house of Mr about 10 o'clock a.m. after, Mr
was saying his prayers - gave Dr. a chair - Mr.
said he must shave - Dr. went out - came back &
with his stick struck Mr a blow on the back
of the head - Mr grabbed the stick, and run out
of the house to save himself, crying out to Dr. not to
kill him - Mr run about an acre - Mr after
him striking him on the head - Mr at last fell
when Dr. still continued to strike him - and being
near the edge of a cob he let himself roll down in
order to escape, but the Dr. still followed him striking
him

him, and at last thinking Mr W. was dead
he left him - during all this time Mr P. spoke
not a word - The Dr. knew that Mr. was alone
Mr W. got up & went to the neighbours house, Richard -
in about 15 or 20 minutes after Dr left him -
The Dr had his stick in his hand when he came
into the house of Mr. and always kept it in his
hand - The Dr. knew where Mr used to put
his keys - he saw Mr open his trunk when he
kept his money - Mr. used to deposit his keys
between the feather & straw beds - That the evening
before this Mr. had 10 Fr. Crown 5 Sp. dollars
10 Am. hf. dollars and 12 sols - in his coffee - and
the morning the Dr. came to the house the coffee was
locked and the keys placed between the feather &
straw bed - no other person but Dr. had been in
the house that evening - That Mr did not go
back to his house until ten days after - and did
not go back to live there until 7 weeks after -

Jean Verret - lives at Beccanuer - was there on 23 Sept
last - was at Richards that day the neighbour
of last Mr. That the wife of Richard came to
the church to ask people to go there as Laubombe
was dying - Mr. was just there & found him
in a bad state covered with blood, sitting in
Richard's house - C. said it was P. who had done
this - requested Mr to go to house - found the
door shut, a la clancie, found much blood
on the place - found the skin now produced -

near

near the valise - and the keys in the ~~trunks~~^{valise} -
the razor lying on the floor - about 5 or 6 feet from
the looking glass - did not look into the trunks. —
That he returned to Richard's & told what he saw -
observed that the bed had been tumbled up. —

2-

That one Maillot went to the house of Coulombe
w^t Mr. when he remained till others came to
the house. — That Mad^e Richard, & her sister in
law of Coulombe were the first that came to the
house after the H^r. —

Louis Maillot - lived at Beaurivage on 23 Sept last -
was at church that day, and on his return home he
was told by Richard's mother that Coulombe had
been much beaten - He went to Coulombe's house -
saw blood in different places - saw the stick now
produced - saw the razor on the floor lying open -
The coffee had been opened - and the keys were in
the ~~coffee~~^{valise} - That Verret, last M^r was w^t the
M^r and they remained there till other persons came
there, and did not look into the coffee or the
valise - both were open - The bed appeared to have
been tumbled up -

Joseph Champs^{rs} - No. Pa M^r lives about $\frac{3}{4}$ league
from town of Coulombe - Saw the P^r pass by his
house on morn of 23 Sept last. He took the
road to Coulombe's - had a stick like that now
produced

produced - it was then about 6 or 7 o'clock in the
noon - he was then in the high road -

Louis Landry Inst. Power was called as a magistrate
to go to house of Coulombe in Septembre last - he
was at the neighbours, Richard - it was on
the 23 Septembre - he took the deposition of Coulombe.
A stick was shown to him in Coulombe's house
the same now shown - the Power arrested -

Etienne Debange - saw P. on 23 Septembre pass by his
house between 6 & 7 o'clock going towards the
house of Coulombe, he had a cane in his hand
like that now produced -

Verdict. Not Guilty.

The King

Hubert Meunier otherwise
called Hubert Lagasse,
otherwise called Lambert
Meunier, otherwise called
Lambert Lagasse

An Indictment for an assault
with intent to murder -

Jean Coulombe, lives at Beauceau in his house above
on 23 Septembre - (same evidence as in last case) -

François Richard on 23 Septembre saw last Mr. come to his house
in a dangerous state - he appeared to have been
much

much beat and ill-treated and full of blood - his
head was all cut, and Coulombe said he was a
dead man - Coulombe remained in his house
in a dangerous state for several weeks - they sent
for a Doctor to assist him -

Jean Verret - same evidence as in last case -

Louis Landry, Justice of Peace - on 25th Sept he was sent
for to take declaration of Coulombe, whom he
found in a very dangerous state, - he took his
declaration, and issued his warrant to arrest the
P^r St. Cam now produced is same shwon him -

Etienne Delage - same evidence as before -

Charles Desmet, Doctor living at Belcourt - was called
on 23 Sept last to assist Coulombe - found him
in such a deplorable state that he apprehended
he could not live 24 hours - the bones on the back
of the head were much injured, and he had every
reason to believe he would die - the blows were
strong enough to produce an expolition of the bones -
& he is not yet altogether well. -

Verdict, Guilty - as laid in first Count
of Indictment of assault with intent to
murder -

The Kingdom }
Edward Malthon } On Indictment for ^{feloniously} receiving Stolen
goods.—

Jean Couvillon—
Mr. Frazer ^{Holys}, Clerk of Crown in the District of Throplow,
keeper of the Records of the C. Court of Kings Bench
produces the record of conviction of Urbain Horreux
before this Court on the 13th inst. of Grand Larceny
which was read.—

Jean Couvillon Le 8 Dec. Mr. Horreux est venu apres son arrest
chez lui—ont vu a demander un bœuf & l'aller
avec lui querir de la brioche en ville—ont été
ensemble a plusieurs places—on n'a pas eu—
ils ont été du côté de la grue—M. lui a dit
que M. Malthon, leur a dit qu'il y en avait — en a
été à l'hangard de Mr Hughes ou est le bœuf—
Mr a dit qu'il étais entré par la charré du pignon
n'a pas pu—ont essayé par la porte, sans effet
et a pris un bœuf & ont fait partir la serrure
sans entré—il y avait plusieurs grains — &
comme un denier franc de Vin — a demandé un
vrai — pas — il a dit qu'il en trouveroit chez
le P^r — ils ont été chez P^r — Il a monté &
entrée & sorti avec un sac au, un vrai, & 2 deniers
on a retrouvé au hangard, on a tiré du Vin
dans le sac — & on a retrouvé chez P^r et
M. a monté & entré dans la maison & y a porté

Vin - est sorti, a demandé un traîneau - qu'il
fallait porter du lard - le tem - n'a cherché un
traîneau, avec un scié, & on est revenu au hangard
et a tiré encore un scié de Vin - et ils ont sorti
2 poches demi-quarts de lard & un grand quart
qu'en a sorti - on a chargé les 2 demi-quarts
dans le traîneau & les a porté chez le P^r - on les
ont été déchargé au bas de la gallerie du P^r
et H. lui a dit de se retirer - et H. a monté l'entrepôt
chez le P^r - le tem. a regardé étant très & clair de
lum - et a vu sortir H. de la P^r qui va descendre
et monter les deux demi-quarts de lard dans la
maison - et après on a retourné, pour emporter le
gros quart - H. est venu pour l'aider à charger -
on a rentré enfin dans le hangard - & ont trouvé
des barungs & 2 poches, on a mis environ 30 barungs
dans chaque poche, et H. en a emporté une chez
le P^r où a quitté le tem - le tem. a enterré le
quart dans la neige près du hangard de Mr
Belle. Que H. avait ramé un paquet de
papier - qu'il a donné au tem - qui a été
l'adresse qu'il y avait dessus & a emporté le papier
chez lui, & a retrouvé avec son traîneau & son
scié de Vin. Le lendemain au matin H. est venu
demander au tem. quatrième de Vin - ils ont trouvé
la poche du hangard déversée, ils ont enterré, et
ont

ont trouvé envers un scien de Vin - Le alors Il
lui a dit que le P^e avait brûlé les grains de
l'ordre qui est à eux -

*

Vende depuis 21 ans aux Trois Rivières - a été
journalier - le P^e lui ayant demandé s'il a été
convaincu d'aucun crime - ou fosié publiquement
en cette ville - le tenu - ou refusé d'y répondre -
Le P^e demeure au haut d'une maison -

Qu'il s'est caché derrière la maison de Houle - lorsque
Herrings lui a fait se réfugier - & la a vu le P^e sortir de
sa maison -

Il n'a jamais fait société avec le P^e

Que le P^e est le fils d'un homme respectable de cette
ville -

Il n'a jamais rien entendu contre le caractère de
châlonnais le P^e

**

Qu'il a déclaré à Burns, où il avait caché le
quart de l'ordre à quel endroit il était le P^e

Richard Thomas commis chez Hughes - qui avait loué un
magasin de McBill, où il y avait du lard
appartenant à Mr McDonald en quart & un
demi-quart - du Vin rouge - des haricots -
Qu'il s'est apperçu que la serrure de la porte
avait été cassée & que plusieurs articles y
manquaient - des grains de lard à 7 à 8 p'tres

de vin, et une quantité de harangs d'un quart
Le lard valait 18 piastres le quart -

Un warrant de recherche a été donné au quart de lard
a été trouvé dans la neige -

Un quart de piment blanc a aussi été pris à
la porte du Magasin quelque temps auparavant -
il peut valoir 9 ou 10 francs et le même quart maintenant
prudent, il en connaît les marques -

Philip Burns a été chargé d'un warrant de recherche
pour du lard volé du magasin de Mr Hougher -
le tém. Comillen a été examiné & a reconnu avoir
enterré un quart de lard entier dans la neige & il
a été trouvé par le tém. à la place indiquée - il a
été chez le Dr a fait la recherche & a trouvé
un baril de blanc de plomb - marque diamant H.T.
la marque de Mr Hougher - le même baril montré -
Il a trouvé au grenier, un quart plein de lard
départé & le quart comble - paroît avoir un
quart complet - du petit lard - vaut 16 piastres le
quart - sur le quart, il y avait une poche - marqué
prudent - qu'il a gardé depuis - marque H.T.
dans un autre quart 33 harangs salles - le Dr
était absent - il a arrêté le soir - il venait chez le témoin -
le Dr a dit avoir acheté ces effets de Horrocks -
en parlant du lard & de la peinture -

Il connaît Horrocks depuis longtemps, c'est un mauvais
charpentier & travaillait très peu -

Il était présent lorsque Mr M'Donald a reconnu
le lard pour lui appartenir -

Il n'y avoit que le baril de peinture dans la cave -

Temoignoient depuis longtems le temoin Couvillon - et est un bien mauvais caractere -

Herrings n'est pas un bon : qui ne pourroit pas avoir en sa possession honnêtement, dit n'achetoit pas de lui un tel objet -

Il a trouvé le paquet de papier monté ensemble chez Couvillon -

Henry Francis Hughes - march² aux Huys Pherreys
a loué un hangard pour mettre des effets -
du Steam Boat (c^e d'autre - vers l'automne
et venu du lait pour M^r Donald. 3
quarts à 4 demi-quarts - il y avoit aussi
un quart de vin dans le même hangard, et
aussi quelques quarts de harangs appartenant
à un homme. En dehors. Le hangard a été
trouvé défoncé, et y fut - a trouvé tout brûlé et
et une quantité de lait de mangue sans pouvoi-
tre la quantité - M^r D. lui a dit qu'il y
avait 2 demi-quart à un quart de lait de
mangue - 8 à 9 gallons de vin et environ
3 ou 4 doz. harangs - un warrant de recherche
est sorti - Environ auparavant un mois
auparavant, il mangioit un baril de peinture -
le même produit - La poche en quelque sorte produisit

il reconnoit être sa propriété, et étoient dans le
hangard.

Que le papier mandmant prouvit étoit dans le
hangard.—

2

The hangard est loué par le Steam boat &
le land appartenait à Mr McDonald, et si
les effets eussent été volés la partie aurait été pour
Mr McDonald.

Le témoin est considéré comme agent de la
Company du Steam boat —

Attaquons entendu dire que Couilletto étoit un mauvais
charactere —

Il ne crooit pas Couilletto sur son serment sans
une sorte de circonstance —

Angus McDonald, étoit au service de Mr Baldwin
au Nov. dernier — dans ce temps il avoit enlevé
3 quarts à 4 demi-gerants de land qui ont été
déposés au hangard de Mr Steamer — à son
retour des Chenaus il a sen que un gerant et
deux demi-gerants du land se trouvoient — Mr
Burns lui a montré le quart de land qu'il a
trouvé sous le neige, et il l'a reconnu pour étre
un de ceux qu'il avoit déposé au hangard de
Mr Steamer —

Philip Burns — le P^r lui a dit ^{il a quelques jours} que des deux demi-gerants
qui d'

guilt y avait un sur sa propriété, mais que
l'autre avait été brisé au brûlé par Berrows

Defense.

Arch^t Cr. Cas. 226 - it is competent to accuser
to disprove the guilt of the principal -

2d. p. 30 - 31. The owner's name must be right
not enough to name servant, where he acts for his
master -

The Court over-ruled the objection - considering
the possession to be sufficiently laid in the person of Hughe.

Charles Beaudry - witness 12 Decr. - he pr.
a demand^e a imprunter de l'argent du tenu.

Charles Penhannon - ~~He~~ for 10 years at least - has
hired him as a servant - he placed confidence
in him & never had occasion to find fault
w^t him - never heard any thing of his
character except on this occasion -

~~William Penhannon.~~

John Pittion - Capt. of a barge - has known O^r for 12
years - on board the Steam boat - he was there
3 months, never heard anything of his character -
but that he enjoyed a good character. -

William Hunt, Gaoler - has frequently employed
the

The Dr^r and he never deserved him — In the last
6 years he knew the Dr have the care of the greatest
part of Mr Shannon's work, and he gave satisfaction

Verdict. Guilty —

—
Friday 15th March 1833

Prest.

The Ch. Justice of Montreal
Justices Pyke, Vallieres & Panet

—

This day the Prisoners under conviction were
brought up for Judgment, when the
following sentences were pronounced. —

The King
Alexander Woods }
otherwise called
Alexander Thompson }

On conviction for Stealing from
the dwelling house above the
value of forty Shillings. —

Sentence — That the Prisoner be confined in the
Common Gaol of this District for the space of
four Calendar months, and be then discharged

—

The King }
Urbain Sternoux } On conviction for Grand Larceny
 Sentence - That the prisoner be
 confined in the Common Gaol of this District
 for the space of twelve Calendar Months, and
 be then discharged -

—

The King }
v }
Edouard Matthews } On conviction for feloniously ~
 receiving Stolen goods, knowing
 them to have been stolen -
 Sentence - That the Prisoner be confined in
 the Common Gaol of this District for the
 space of four Calendar months, and that
 he be then discharged. -

—

The King }
Hubert Meunier,
otherwise called, Hubert
Lagasse - otherwise called
Lambert Meunier, otherwise
called Lambert Lagasse' } On conviction for an assault
 with intent to murder -
 Sentence - That the Prisoner be
 confined in the Common Gaol
 of this District for the space
 of

of Eighteen Calendar months - that he give
Security for the ^{free and true} good behaviour for two years from
and after the expiration of his imprisonment, -
himself in the sum of £50 - and two securities in
the sum of £25 - each - and that after the -
expiration of the said imprisonment and the
giving of the said Security, he be discharged

—

