Criminal Court. Febry & March 1834

Monday 24th Febry. 1834.

Prest.
Ch. Justice Reid
Mr Justice Pyke.

Sixteen of the Grand Jurors having appeared and been sworn, the Charge was delivered to them by the Ch. Justice —

Mr Richd Dillon was sworn to act as Interpreter during the session —

The King
vs
William Dogherty } On Indictment for an assault on the high Constable in the execution of his duty

The Defendt appeared in person and prayed to be admitted to withdraw his plea to the Indictment and to plead Guilty — which was granted — and upon the representation of the Attorney General who consented that a small fine should be imposed on the Defendt and the High Constable having acknowledged his consent thereto, the Court imposed a fine of 20/- on the Defendt & that ordered he stand committed till same be paid —

Tuesday 25th Febry 1834

Prest.

Ch. Justice Reid

Mr Justice Pyke

The King
v
Frans. Zephyr
Laneuville

On Indictment for Burglary

Israel Woolf, lives in Queb. Sub - has a shop in his house in lower part - sleeps in adjoining room, a door between them - Wt had his goods in the Shop on 12 & 13 Decr. last such as watches, some of wh. hung up in the window - this window shuts in the inside & a shutter out side - That on the night of 12 Decr ~~some~~ heard some person take off the window shutters, he got up & saw the Pr. run off - had seen the Pr. before who lives near him - on night of 13. he shut his window & shutter & went to bed about 10 O'Clock - he was woke up by one Poole who called to Wt that some one was breaks the window - the Wt. went out found the Pr. in the Shop - the window shutter broken & 2 panes glass broken - That Pool first got hold of the Pr, Wt asked him why he came there to rob him he sd. he did it for fun - Wt sd he would send him to Gaol for fun the Pr. then sd he would kill the Wt - The Pr. could have taken the watches from the window by breaks the glass - It was then

half

half part eleven o'Clock —

x̄ —

When he got up

James Pool — lived in Ft. Quebec in Decr last, lived in same house wh last Wits — Woolf — who had a shop in the lower part & sells various articles — there was but one window in the shop — About 13 Decr last between 11 & 12 at night he was going to bed & heard a noise below as a window or door was breaks. went down stairs & went out & saw the shutter broken down and he saw the Pr in the street about 15 or 20 feet from it — ~~Wr had hold~~ The Pr came along wh Wr to the house, & Wr called up Woolf & told him that he supposed this man must have broken his shutter — Woolf asked Pr if it was him who had broken the window shutter, he said it was, and that he would do it again — on this Wr remained wh Pr and Wolf went for the watch & he was taken into custody —

x̄

That Pr had been in the house of the Wits that same evening about 1/2 hour before — he wanted to get liquor from Wr he gave Pr some & told him to go away — he at last went away — Pr lived in the same house joining the apartments of Mr Wolf there was a woman lived in that apartment of bad fame — & there was some disturbance in the house —

Verdict. Guilty —

The King
Thomas Berry
John Smith
Thomas Connor
John Smith

On Indictment for stealing privately from the Shop, above the value of 5/-

Ignace Odossy, clerk of the old market in Novr. last & one of the watch — he met the two last named Prs Connor & he thinks Berry, but is not sure — they were two — they came to market place wr goods for sale — it was Calicoe they had and other goods, such as flannel — he knew them well before — & having doubts agt them, he arrested them. he was apprized by people in the market place that they were selling stolen goods — he brot them to the Police office wr their goods — the goods were put in the hands of Mr Delisle the high Constable, and are the same now shewn —

x. By Berry —

Benjn Delisle high Constable, in Novr. last the last Wr brot. two Prs Berry & Smith to the Police office, with two pieces of Calicoe in a hkf — Wr had been informed of a robbery at Howard & Thompsons; he sent to them & a young man came to Police office & identified the Calicoe —

x By Berry —

The Connor was at the Police office, he sd. something about Calicoe, but he does not recollect —

William Palmer, was in the service of Wm Howard & Robt Hurl

Thompson

Thompson, copartners, after information from Mr Delisle they found 2 pieces of Calicoe had been stolen from them — came to the Police office — & saw 2 pieces of Calico now shown & knows them to be the property of Messrs Howard & Thompson — from the private mark of the firm on ~~the~~ one of the pieces — There is no mark on the other piece, but knows that a piece of a similar pattern was missing from the shop —

Has seen the Pr Berry once or twice in the shop — values the Calicoe at 30s each piece —

Defence —

John Flanagan — thinks that some time last fall in the St L. Sub. the two Prs Connor & Mr Smith offered to him at his house ~~the~~ two pieces of Calicoe like pattern for sale — they had also a white worsted frock for them — they wanted much to dispose of their goods — Ws bot the worsted frock & pd 2/6 he considered the goods stolen, & wanted to get back his money, but they refused — they offered him the Calicoe for two dollars & a half, gt induced the Ws to suspect them — & he gave information agt them to Delisle —

Verdict Guilty agt Thos ~~Connor~~ Berry
Thos Connor } Guilty of
John Smith } Petty Larceny

John Smith Not Guilty —

The King
v
Basile Amiot } An Indictment for stealing privily from a Shop above the value of 5/—

In Bo Lebeau keeps a Store in St Pauls Street in Septr last about 17 the Pr came in and told Wm that his brother ~~offered him~~ had told him that he would pay him in boards or planks as he had no money — Wm sd he knew no person of that name that owed him anything — Pr sd he wd go for his brother — Wm told him to go & withdrew into his room & Pr went away — immediately after Wm came back into his shop & missed a piece of Merino & a piece of — he went after him but did not find him, but informed Mr Racicot of what had happened and told him that the man must be watched, as he would commit some other offence — That Pr was arrested afterwards for stealing from Kilenny's and taken to Police office, and on coming out the Pr told him that he had taken the piece of Merino from his Shop, and that he would find it one Cortham Dunn's in Quebec Sub — which Wm found there accordingly — values Calico at 30/. and the hf piece of Merino at 15/—

Calico was found to be missing and no other person had come into the Store —

It was about midday the Pr was in his Store — he had purchased the Merino that morns the Calico some time before — That while Wm went into his room some other person might have come into his store — The Pr was

sober

sober when he first saw him, but he was in liquor when he saw him in the afterwards — Saw Pr ~~in the~~ afterwards in the afternoon, he was about to come in a second time — The Pr appeared to have been ill used — and after he came out & ~~had~~ appeared to have been ill used the Ws told the baliffs to endeavour to find out where his goods were and he would let him go that the Pr. & they ~~had~~ would find the goods at the house of one Wm Dunn, & the Pr found them there —

Jean Chrisostome Racicot, merchd. lives in St Paul Street where he keeps a Store — in Sept. last Lebeau came to his Shop & told him that he had been robbed by one Amiot — & s. there he goes, we must watch him — he went to Kennelly's, Ws. followed him to several places — when he came out, the Commis of Kennelly gave him a blow when two pieces of Merino fell from him — he was struck by others — they took him to the Court House, when the Pr told them if they wd let him go he would tell them where the goods were — the Pr went wt them to house of Wm Dunn, when the effects were delivered to them qt Lebeau had lost —

When he saw the Pr he was somewhat in liquor. he was struck by the Clerk of Kennelly & by Vigé — That on the way to the Court House, Lebeau told him he would let him go if he would tell him where his goods were, when Pr told them where they were, and went along wt them

to

them to Wm Dunn's —

William Dunn — lives in Quel. Sub — keeps a board house has seen the Pr — he stopped at his house in Sept last & slept there — he went out after breakfast & when the Wr returned to his house that day his wife told him that the Pr had left 2 pieces of Calico & Merino — saw the Pr afterwards who told Wr that he had got them 2 pieces of goods from his brother a mercht in St Paul's Street — & asked of wife of Wr if he cold bring a gown — he was then sober — but when he came back in the evening with the Constable he was in liquor —

×

There are other boarders in the house of Wr — when the Pr came to the house wt the Constable and Raicot, it was the latter who asked for the things which the Pr had left there, when the wife of the Pr delivered them to him

Ld. Malo — Constable — was at the Police office when the articles no produced were brot to the Police office by Mr Lebeau, & they have remained in his possn since —

Verdict Guilty —

The

The King.—
v
Basile Amiot } On Indictment for stealing privily in a shop above the value of 5 Sts

The Pris^r prayed to be allowed to withdraw his plea of not Guilty and to plead Guilty, which was granted, and thereupon the P^r pleaded guilty.—

—

The King
v
Joseph Dumontier
Joseph Audy—
Frank Fournelle
Jn Bte Fournelle
Louis^t Bellotte } On Indictment for Grand Larceny

In this case some of the Prisoners appearing to be in a state of intoxication, the trial was put off till to morrow.—

—

The King
John^r Rourke
otherwise called John
Ryan — } On Indictment for Petty Larceny

On his arraignment the Prisoner pleaded Guilty to the Indictment.—

—

The King
Jn Bt. Johannet } On Indictment for burglary —

John Putnam, in January last he lived in the tannery of Bostwick & Gregory in the St L. Sub Orlin Bostwick, & ~~Isaac~~ Gregory — Wm lived in a part of the house as a dwelling house — the leather is kept in the same story where Wm lives & within 12 — 15 feet from his bed room — There are 8 windows in the Shop — they were all closed when Wm left the shop the evening of 8th Jany last — There was a quantity of leather in the Store that night — the property taken belonged partly to Wick & partly to Bostwick & Gregory — went to bed about 10 O'Clk at night — was not disturbed in the night — the whole house was secured that night all doors & windows shut — about ½ part 6 he got up and observed some leather displaced, & then saw a sash window open — and perceived 5 sides leather & ~~some~~ seven Calfs skins were stolen the Calfs skins were worth £5 — the leather worth £3 — the leather belonged to B. O G. the Calfs skins to the Wick — Got a search warrant next day, on the inform^n of one Henry Jackson as gt he suspected the Pr. & the warr^t was given to the high Constable & Wm w^o him & some others went to his house in the same subarb. ~~The~~ On going to the house did not see the Pr. ~~but~~ at first, Mr Delisle spoke to ~~Wick~~ Mr who came into the room where the party was — Delisle came down from the Garret with leather — it was wrapped in a cloth

and

and was trot to the Police Office when he recognized the sides of leather of Mr Butcher Gregor & the Calfs skins of the witness — they are the same now shewn — that he identifies these skins by the colour & manufacture — eight were taken, but 7 were finished — the leather he did not mark on it, but he verily believes the leather to be the same stolen that night & belonged to B. & G. — he has been engaged in the business for 7 or 8 years — & can know his work — & he finished the upper leathers himself —

Is sure it was on the 8th Jany — thinks it was on a thursday — The windows were all shut that night before he went to bed — is positive they were all fastened by buttons on the inside — does not know that he went round & examined every window in particular, but thinks they were, for if the buttons were not ~~turned~~ the windows will not remain shut — There is no lock on the door between the shop and the rooms in qt he lives in — There is a room qt is not occupied, he cannot say whether it was shut or not — left the shop between 7 & 8 in went saw the articles then at home — Geo. Fitch lives in the house w Stuck and a servant woman —
Did not finish the calfs skins himself — finished the upper leathers himself — believes it to be his — has seen similar leather belonging to other persons — but the number of sides of skins he had finished the night before & which were missing the next day — That B. & G. may have sold similar skins to other persons, but not those now shewn

There are 5 or 6 workmen who work in this shop who are all acquainted with the interior of the shop & where the skins were laid — Mr. lost 8 skins, and B & G. 5 sides leather —

By Attn Genl — The window open had a pane of glass broken in it by which the button might be turned & the window opened

George Fitch — in Jany. last he was in employ of last Wk. before 8 Jany he had worked on certain Calfs skins — has been in the trade for 23 years — he can identify his own work — he ~~missed~~ had been at work on the evens of the 8th — on several skins — marks one in particular — by cutting out a part between the shank & the brisket, qt — is particularly a mark of his own — same mark on another also shown — Cannot tell the value, believes them to be worth above 15/ each — Cannot speak as to the leather — There were other persons who worked there —

F. The Calf's skins are not finished —

Wiley Hamilton Reid was in the service of Putnam on 8 Jany last — has been over 7 years in the trade of tanner — he worked at leather — and prepared some leather for Mr Putnam — There is one of the sides now shewn of harness leather, has his private mark on it — a straight line — this leather is not in a state to be sold — Was there on morns of the 9th others had gone there before him and the leather had been stolen — two panes of glass were broken in

the

the window wh. was open.

It is not usual for B. & G. to sell skins in the unfinished state —

Vve Rosalie Lepene, vve Deshaulds — lives in house of Madame Caty in St Lawr Sub — she lives in the lower part of the house — In Jany last Madc Joannot the mother of the Pr lived in the upper part — Knows that the Pr went out at night about ½ part nine or 10 does not know when he came back — it might have been midnight or 10 Clk — he had a load with him — does not know what it was but thinks it was leather; he took it up to the garret — Has heard he was a shoemaker by trade —

Bergn Delisle high Constable — on 9 or 10 Jany last had a search want & went to house of Pr, wr Martineau & Putnam to search for leather stolen — Saw Pr told him his errand — he said he had no leather in his possession & might look — wr went up to the garret, at first did not see any leather, it was hid between the Chimney & the gavel end, where it was found and the skins and leather now produced were found — Putnam recognized the leather to be his — The Pr on seeing M. P. he would surrender — altho' he observed a window open — Pr was arrested —

Lubien

Julien Martineau, accompan^d. Delisle on search at house of P^r. M^r ordered one Jackson to go behind the house to prevent escape — heard some one run towards the window, but on seeing Delisle he surrendered — he went up to the garret & found the leather between the Chimney & the gable end of house

Verdict Not guilty of breaking & entering ~~as laid~~ but guilty of stealing as laid in the Indictment

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Wednesday 26th. February

Pres^t.
Ch. Justice Reid
Mr Justice Pyke ...

The King. —
Henry v^s Abraham Joseph } On Indictment for stealing from a vessel on a Navigable River above the value of £15. —

William Bingham, lives in Montreal, on 27th Sept. last he left Montreal to go to Lotbeniere, he took with him his portmanteau & cloaths — it contained all the articles mentioned in the Indictment and of the value therein stated, except the frock — he embarked w^t. this portmanteau on board the Lady of the Lake Steamboat, saw the P^r on board as a passenger — he cont^d. on board till they arrived

at

at Berthier — did not see him go on shore there — Wr. went to Geroux's at Berthier, & while there a boy came & asked him if he had found his portmanteau — Wr. sd. he had seen it under the table on board the boat & had seen it at ½ past 6 o'clk — this was first intelligence he had it was missing — The boat stops at a quay to take in wood, when Wr. went on shore about ½ past 7 o'clk there is some confusion in these cases, & it would be easy to carry off any thing from the boat — Wr. returned to the boat & found his portmanteau gone wt. its contents — Wr. suspected that some person had taken it on shore — offered to one Martel of Sorel a reward to send some one to Berthier to endeavour to find his portmanteau — The boat did not stop long at Berthier — but went on — Published his loss in the Newspapers — He recd. some information from Capt. Nickless about 3 weeks after that one David Armstrong had told him that a man on board another boat had been robbed of his portmanteau at Berthier, & that suspicions had attached on the Pr. The Wr. waited a little & upon further informn. took out a search warrt. gt. was put into the hands of Martineau & Hibert & the High Constable — The first warrt. was at house of one Lesperance where it was said the Pr. lodged — nothg. was found there — he got a 2d warrt. directed to one Jas. McCabe where Pr. had lodged in Montreal — the Pr. was then in Gaol on another charge — saw ~~McCabe~~ one Saml. Davis & brot. down some things gt. he asked the Wr. if he knew the things — this was the day after the Pr. had been sent to Gaol — on going up to the room in gt. Pr. had lodged, he found some pkt hkfs & some Shirts — where the name was marked on the Shirts, the piece had been cut out — he found there 6 or 7 Shirts, & 2 or 3 pkt hkfs — There was a trunk found in the Prs. room

gt.

qt. was locked, it was carried to the police office, where it was opened, and in it was contained the portmanteau qt. he lost and in qt. all the articles above mentioned were when he embarked on board the steam boat. — produces the key of the portmanteau — identifies some of the articles found in the portmanteau speaks to one pkt hkf wt. a mark on it — & several others qt. were similar to those he had — 5 Shirts — a pair of trowsers — Before this he saw the Pr. 2 a 3 times in the Street, but he always avoided Wm. — Wm. took a particular interest in a certain Silver box & interrogated the Pr. about it —

He went to another person, Mr Bethel a Silver Smith, who told him he had melted it down the box, it was for holding soap — Wm. described the box to Mr Bethel, —

x —

He had been several times on board the Steam boat on the day he went off — his portmanteau was taken on board the boat in the presence of Wits. there may be other portmanteau's of the same kind to be had — saw all the articles put into the portmanteau & put some of them in himself — thinks that the frock Coat now on the Pr. is property of the Wr. has no particular marks on it to qt. he can speak — Saw his p. about ½ past 6 o'clk — before they arrived at Berthier — arrived there between 7 & 8 o'clk —

says he cannot charge his memory wt. having been present when the proceedings were had by Davis agt. the Pr. — That when he went to Mr. Cabe's he saw Davis, Martineau and Delisle — Davis asked Mrs. McCabe if Wm. could go up stairs — Davis had been up stairs before and brought down a pkt hkf qt. Wm. recognized to be his

That

That he bought these hkfs in town, there may be others of the same kind, but considers that pkt hkf to be his — The trowners shewn, were new — believes them to be his — has seen little cloth of the colour —

That this morns the son of Davis brd. a pkt hkf qt he considers to have been one of those he had put into his portmanteau —

Mr Fizette, Mr Panet & Mr Lamothe were the only individuals who left the boat at Berthier — besides the Pr

Joseph Nickless, commd. Lady of Lake St. Boat in Sept last, on friday 27 Sept left Montreal for Quebec, last Wk was a passenger — The Pr was a passenger also — & both went to Berthier — the boat stopt there about ½ an hour — the Pr left the boat there — wt 3 other passengers —

The waiter came to W. & told him he missed Mr Bingham's portmanteau from under the table — he ordered a search on board but could not find it — B — had gone on shore but came back, & as they were setting off the W. o' he would send over from Sorel, as some person might have taken it by mistake — at Sorel one Martel was spoken to on the subject — On his return to Berthier from Quebec he was told that a boy had been seen carrying a portmanteau from the boat to his house — and on his ~~coming~~ going back to Quebec, he saw Mr Bingham there & told him of this & on his way back he stopt at Berthier he told Mr Morrison to take a good look out as he suspected the Pr — & from what he heard from Capt Armstrong — and Wr was so convinced of the suspicions he entertained agt Pr — that he told Radeger to tell B — to get a search warrant & described 2 houses, at one Tuilon's, & also at his brother in law's Mr Davis — where Pr used to lodge —

x

There

There was a young man who embarked at Montreal and was turned out of the Cabin some miles before they arrived at Berthier, on acct. of his bad conduct.—

The Pr. was a passenger on the next trip up from Berthier to Montreal, but he had no baggage ~~from~~ wt. him

Thomas Ludford, was a waiter on board L. Lake on 27 Sept last she left Montreal on 27 Septr last for Quebec, saw Mr B. & the Pr. on board as passengers — the Servt. of B — brot. a portmanteau on board like the one here present qr. Wr. received and placed under the table — there was also a tin box and a wooden trunk — arrived at Berthier between 7 & 8 o'Clk — Pr. & Mr B. went on shore there — on examining the things under the table for Berthier, he found the portmanteau was missing — & acquainted Capn. of it — & also Mr. B. when he returned back to the boat — a search was made on board the boat, but the portmanteau was not found. that it was easy from the darkness and the number of persons going on shore, that the portr. might have been removed without its being perceived —

James McCabe lived in Capital Street in Montreal, keeps a tavern & boarding house — ka Pr. he has been at different times in his house — ~~lived~~ sometime about Christmass he came there saying he meant to remain the winter, he had a large trunk wt. him similar to the one now shewn — he had an apartment & bed given him on the 2d floor — the trunk remained there until Mr Delisle & some others came & took it away wt. a search warrant — the trunk was locked when it was seized, & it was carried to the Police office, where it was opened. Wr was present & saw a portmanteau inside the trunk — Mr B. was

then

there and produced a key which fitted the lock in the portmanteau & opened it — the contents were claimed by Mr B. as his property, except an old black coat — and a pr. of trowsers — There were hkfs, shirts, coats ~~were~~ found in the portmanteau —

When Mr B. went up to the Pr. room he claimed all the things as his the blk coat also, but at Police Office he denied the ~~property~~ old blk coat to be his —

Mr Davis was there — never saw him there before — but he was not in the Pr. room before he went up. we Deleth & Wrs —

Francis Bethel — Jeweller living in Montreal — about the month of Novr. last he purchased a silver a square shaving box from a person whom he thinks was the Pr — it was a plain box without any marks except the stamp — its value as a box it might be worth six dollars — & Wr thinks he ~~paid~~ pd. 4 dollars for it — That Mr B. afterwards called on Wr and the description he gave to him of it corresponded exactly with the box Wr purchased —

Gilbert Petrie, taylor, saw the Pr last fall — he called on Wr to get some cloths altered — a pr. of blk trowsers — a blk waistcoat & pr. drab coloured trowsers — Drab trowsers are same Pr produced — they were to be reduced, as they were very large — thinks Pr. sd they were his brothers — The Wr reduced them as required — The trowsers were quite new when Pr brot. them to him — Wr changed also a frock coat for the Pr — but it is not the same one the Pr now wears —

Rebecca

Rebecca Thornton — Was in service of Mr B. in Sept last he then went to Lotbinière — saw his trunk packed up — remembers having seen silk hkfs such as now shewn were packed up — there were shirts also put in, but does not know the same — there was a number of socks also put up — there is one pr. with Mr B.'s mark on them — there were coats also a new blk coat — believes the same now shewn — there was a pr. brub coloured pantaloons put in also, such as now shewn — The trunk was full packed, and Mr B — was himself present a part of the time —

x^d

All she can say, is, that similar articles were packed up in the trunk as those now shewn —

John Johnson — in Sept last he was in service of Mr B — he went to the taylors for a pr of ~~pan~~ trowsers such as those now shewn, gt. he delivd to Mr B —

Catherine Martin — Ks. Pr — In Oct a Novr. last the Pr. made her a present of a silk pkt hkf similar to that now shewn — & believes it to be the same — We then lived at Mr Davis's where Pr used to come — That Pr. told Hs to say, that if any one came there to enquire if he had any effects there to say, that he had none — this was last fall —

x^d

Benjn

Benjam: Aldrich, high Constable — on January last he was charged wt a Search warrant — in consequence of information that Pr had his trunk at McCabe's — W went to McCabe's — asked McCabe if he had not a trunk belonging to St Joseph — asked if then were not two — he that there was — went up wt W. to room of Pr wt McCabe, & saw the outside trunk & perceived there was another within it — told McCabe he had no search warr — but asked if he had no objection that he should take charge of the trunk — That Mrs Ann Davis came in & found 5 shirts, 2 silk pocket hkfs a pr of trowsers which were found about the room and were claimed by Mr B. as his property — The W carried the trunk to the Police office — where it was broken open, and in the inside of it the portmanteau now produced, cut as now shewn — & Mr B — produced a key wh opened the lock of the Portmanteau —
In this portmanteau were found —
1 blk Cloth Coat —
1 pr pumps —
6 silk hkfs —
1 old silk stock
8 pr large Socks — all which have remained in the hands of W. ever since,

Defence —

Henry Bromley, has known the Pr for some time, never heard any thing of him, never had any dealings wt him —

Verdict of Guilty of stealing to the amount of £10 — as charged

The King
vs
Joseph Rousseau

On Indictment for Grand Larceny —

William Drenan — lives wt Martin Leishman baker. was in his service in Sept last — Wt has charge of the bread cart — on the 13 Sept last he went out with the Cart several times — settles wt his master every evening — he keeps his money he receives in a leather bag — he had that ~~evening~~ morning seven dollars in paper thought there three bills of 2 dollars and one bill of one dollar in his bag — the money was taken out of the bag — they were in 3 parcels — when he came home he put his bag on the seat of the Cart, while he went into the house for bread — he did not perceive that money was taken till two or three hours afterwards — Cannot swear to the bills now produced being the same, but are like them — told his master the money was stolen and he suspected the Pr — he was about the yard when Wt came home in the morning — In the course of the night the Wt searched the breeches pocket of Pr — and found the money in the watch pocket of one of his pairs of trowsers. The Wt brot down the trowsers & asked to whom they belonged, the Pr said they belonged to one George but Wt had seen the Pr wear them — Next morn's the Pr confessed having taken the money but said it was for fun —

4 in one parcel &
3 in another —

Cannot say whether the bills he lost were the Montreal Bank — The Pr has been in Leishman's service about

two

two years. He did not count the money on his return that morng having rec'd 20/ from one person and 15/ from another. There were 4 persons who were working in the bakehouse at that time. There were three besides Pr who slept in the same room. He missed the money about one o'Clock that day. Cannot say whether the Pr had on the trowsers that day or not he found the money

Malcolm Leishman, baker in Montreal. In Sept last the last Wt & the Pr were in his service. he had much confidence in last Wt. he is in the habit of settling wt him every evening. he told Wt he had 7 dollars in his bag wch had been taken out of his bag. in the course of the night the last Wt told him he had found the money & where he found it, and delivered it to Wt. the same bills as are produced and are bills of the Montreal. two bills of 10/ each and 3 of 5/ each. Donovan told Wt he had found the money in watch pocket of the trowsers of the Pr. The Pr next morng before all the men in the bake house the Pr came in full on his knees & begged to be forgiven as he had taken the money. The Wt. told him he forgave him, but he must leave the house.

Never threatened the Pr to horse whip him if he did not confess he had taken the money, he had not even seen him before the morng he came in & made the confession.

and had not the Pr come back and threatened to prosecute

John Walker was at Leishman's last Sept. when the Pr came down and acknowledged he had taken the money, but on Leishman's asking him if he had taken the money the Pr said he had. That it was only in a joke & did not mean to keep it on this Mr Leishman told Pr he forgave him but that he must leave the house —

Heard Leishman say that Pr had threatened to prosecute him in Damages for defamation of character — That when Leishman spoke to the Pr he seemed a little frightened —

Louis Malo Constable, arrested the Pr at Mr Murphy's — told him it was for stealing at Leishman's — the Pr s^d he had taken the money but it was not his intention to keep it, as it was done in a joke —

Defence —

Felix Seannot Merchant in Montreal, has Pr for four or five years, always enjoyed a good character — has given credit to the Pr who always paid his bill —

Amable Morin sworn for several Years. he has always enjoyed a good reputation he is of a good Family he has had a certain education & been well brought up—

Guill. Paillé — sworn for 3 or 4 Years — he has been well brought up and has always enjoyed a good character

Verdict. Not Guilty.—

The King
Patrick Norris } On Indictment for Petty Larceny

The Prisoner on his arraignment pleaded Guilty to the Indictment.

Thursday 27th Febr.

Pres.
Hr. Justice Reid
Mr Justice Pyke.

The King
George Scott
Daniel Mahoney

On Indictment for stealing privily from a Shop above the value of 5/—

On the Prisoners being arraigned on this Indictment the Pris. George Scott pleaded guilty to the charge.—

The King
v.
Joseph Dumontier
Joseph Audy
Franc. Fournelle
Jnp Bte. Fournelle
Louis Bellotte

On Indictment for Gr. Larceny—

Nicolas Barré, tanner, has a shop in the old market place — he shuts up at night. On the night between the 11 & 12 Nov last it was shut up — he had harnesses in that shop — In the morng of the 12 Nov he found the door open & a harness missing worth 22/6 — two saddles 22/6 each 6 pairs boots — worth 6/ each — 3 bridles — 9 pairs mittens, worth 11/— and shoes — the door of the shop had been broken open — That some time after a woman told him she had seen some persons break open the door, that she had given information of it to the watch who would not listen to her — he has never found any part of his ~~harness~~ effects —

F

Never saw any of the Prs near the shop & does not know ~~any of~~ any of the persons who may have taken his property — There is a watchman placed in the old market place —

Eloza Martin — Ks. Drs Dumontier — Audy — Fr F. & Jn Bt F. and Bellotte — She saw the first four going about the old market for 3 nights running — saw them at the door of Barré, saw Bte Fournelle open the door wt. a door assisted by his brother, the other two stood at a little distance — seeing this, she went to tell the watch, who would not listen to her — she then returned to the old market, and saw these four prisoners having harnesses & other articles in their possession as they passed close to her — and went off at full speed towards Griffin town — She had also notified the Capt. of the watch before going back to the market place who also refused to listen to her —

That 2 days after she apprized the High Constable of this robbery of the Prs

Lives every where — her husband is in the colonies — she lives as she can —

That she never said she would get the two Fournelles hanged if she could —

Augustin Frichette — in Novr. last he was Capt. of the watch in the night of the 11th Nov. a woman came to tell him that there was a robbery committing on the old market place — but as there was a watchman placed there, to do his duty — he would not listen to her —

Benjn Delisle has frequently seen the Wit Eliza Martin — she came to the police office some time in Novr. last, that is, some days after the robbery at Barry had lost his effects, & that she had seen the Prs. except Bellotte open the door of the Shop of Barry. —

Defence —

Julia Wall — has been in Gaol for last 4 months, the Wit Martin has been in Gaol for 4 days past that she would make the Fournelles repent for the mark she had on her arm & she would hang them if she could — there were many other persons present at the time —
was present when Julia Masson was put in Gaol

×

Wit is in gaol on an Indictment for shop lifting that Eliza Martin P. she would swear agt. the two Fournelles & get them hanged, but would not say much agt. the other two prisoners —

Mary Redden — heard Eliza Martin say that she was afraid of her life from the Fournelles, & she would not care if she saw them hanged —

Cecilia Jackson — Ke. Eliz. Martin — has heard her say, that the Fournelles had something agt her, & she would hang them if she could —

×

She is in Gaol as vagrant for several months —

Jn

Jn Bte Raymond — Has heard Eliza Martin say — That the Prs Fournelle ne seroient pas blancs —

By Attr Genl

Louis Malo, Constable — Ks. Eliza Martin — That she has frequently given information to him of thefts committed in town — She has never deceived him in any instance — the information she gave was always correct —

Verdict — Not Guilty. —

The King
vs
Augustin Thibault
otherwise called
Augustin Languedoc

On Indictment for Gr. Larceny

James Carswell, mercht. in Montreal near new Market, the Pr came to his shop in Sept 1832, he gave an order for £25 about 9 Oct'k re mount to be ready for 2 Oct'k — he ordered the different articles mentioned in the Indictment which are of the value therein mentioned — all these things were got ready except the box of pipes — he said he came from the parish of St Martin — & gave another name than his own — he was to pay ready money — when he came back he got the effects & told Mr

to send a young man w^t him to Joseph the Italian's and he would pay him - While the Young man was getting ready, the P^r set off with the two Carts he had - the young man went after him, but did not find him - The Wit^s saw P^r who was arrested at Jos. Donegani's -

David Laurent, was in service of Mr Carnwell in Sept 1832 - saw P^r there - does not remember the name he gave - he purchased a parcel of goods for q^t he was to pay ready money - directed the goods to be ready at 2 o'clk - he came at that hour, got the goods - & S^d he had not the money but that the W^s should go to Jos. Bonacina's & he would pay, while he was gett^g his hat the P^r set out with the goods, and the W^s followed, he went to Bonacina's & other Italians, but did not find the P^r from thence he went on board the Steam boat - & found the goods covered up - the weather was fine - found P^r below in ladies room - he had taken off his gilet, col & hat & was consulted in a corner his face covered with a hkf - Mr. Carnwell got back his goods - The Wit^s wanted ~~the~~ P^r to pay the goods, but he would not listen to him,

a

and appeared disposed to get away from Wits — the Wr. laid hold of Pr. Sevent along wt. him to several places, but finding that he did not take him to the right place, he gave him in charge to Jos: Dongani —

~~Defence~~

Verdict. Guilty. —

The King
v
Joseph Vaillancour
otherwise called
Joseph Bonhomme

On Indictment for stealing above the value of forty shillings from the dwelling house —

Antoine Gendreau, Carter, lives in Montreal. the Pr came to his house in June last, at the request of his sister that the Pr. was received in his house — he was not known to Wr before — he staid without paying any thing for his board until 29 Septr. on that day Wr. his wife went to Church — Wr. then had his money in a cupboard or buffet — it was hard money — there were about 100 french Crowns — about 50 Sp. dollars — about 100 American hf dollars — there was in all about £50 — the key of the buffet, was put under key in the armoire of his wife — on going away, he told the Pr. if he went

out

out to lock the door and put the key in the stable where he usually put it — The Pr promised he would take care of the house — The Ws returned from Church between 11 & 12 o'Clock, found his house shut but did not find the key in the place he directed Pr to put it — His wife went behind the house and found shutter of window open & by it she went in, and found that the Cupboard had been broken open and the money carried off — there was an ax lying near the place, gt. had been brol. there — His suspicions fell on the Pr He looked for Pr & going round he was informed by Mr De Vadebonceur that ~~the~~ a man had come there hire one of his Carters, who appeared to be in a hurry — The money was in a linen bag - there was a silk ~~of~~ a Cotton purse inside - The Wts. pursued after the person described & went on to Sorel - got no news there & went to Berthier, where he heard that V's man had ferried the man over to Sorel - he returned there & got a warrant he met the Pr on the traverse — Ws found Pr at house of Trigarne, & on searching him money was found on him - the Pr did not appear surprised - When the Pr was at the house of the Ws he was indebted to Ws for 3 loaves of bread & a candle -

The stable where the key Pr was directed to be put, was not locked -

Marie

Marie St. Martin — wife of last Wit. Ks the Pr. who lived at the house of Ws from June to Sept. on 29 Sept. the Ws. & her husband went to Mass. & locked the armoire where the money was & the key was locked up in another armoire of gt Ws had the key — the monies in the Cupboard was in a linen bag & consisted of pieces mentioned in the Indictmt. — her husband directed Pr. in case he went out to lock the door and leave the key in the stable, where it was usually put — when she returned home, she knocked at the window shutter, gt. opened, she went in, & found the ax in the room, where it ought not to be, & the tongs on a chair — the door of the Cupboard was forced open and the money was gone — the outer door was shut and the key there — she suspected the Pr., and pursuit was made after him — & heard he had taken the road to Berthier & that he had hired a carriage from Vadeboncoeur to go there — Knows the silk purse now shewn, to be her property which was in the linen bag in the Cupboard when she went to Church wt her husband —

Frans. Cheffredt Vadeboncoeur — he keeps carriages for hire — says nothg further —

Louis Couture was in service of Vadeboncoeur on 29 Sept last the Pr. came to hire a carriage to go to Varennes — The purse now produced, the Wit. recd from the Pr. at Berthier, he emptied his money into a hkf — & on going out of the house where they stopt, the Pr. emptied another purse of Cotton — there was different kinds of money. —

he

he left the purses in the house.

At the foot of the Current the Pr requested of Wr to go to the end of the Islands, when arrived there he requested Wr to go on to Lavalthie — here Wr agreed to take him on to Berthier — they slept at Lavaltrie & next day went to Berthier — they stopt at the house of his father, when the Pr emptied out his money into a hat, and where Wr saw the purse now produced —

X°

The Wr did not receive the purse from the Pr but after he had emptied his money out of the different purses into his hat — and was going away, the Sister of Wr took up this purse Lavalthie & called to Pr that he was leaving ~~forgetting~~ his property behind him, when he Pr he did not care for it & that she might keep it on this the Wr Pr he would take the purse as it would suit him very well — knows the purse to be the same he saw Wr Pr —

Marguerite Bresettier — at last St Ours she lived at Mrs Glass's. — she boarded there — the Pr came there the same morning — he asked of Wr to accompany him to Varennes, to get — she agreed if Mad Glass went not her — on this another Cabriolet was hired & Mrs Glass went in it — they went to Sorel boat, but it not being there, they went on to the end of the Island — but St. she had no cloaths for the journey — but Pr he would buy cloaths for her — they went on to Berthier — where he gave her 13 Dollars — & 2 Crowns before she set out from town — she got for the dress she bought — she went

went to Sorel, wt him - came back wt him, and he again returned to Sorel - Saw him empty the money that was in Shot bag into a hkf -

That at bout de l'Isle the Pr pd Mrs Glass for a shawl & cap. 6 dollars gt. the Ws had borrowed from Mrs Glass - Was present when Pr was arrested at Sorel -

xd -

When Pr came to Mrs Glass's before this time, she has seen money wt the Pr at one time Mrs Glass took charge of 5 dollars for him -

Pierre Triganne, a bailiff - lives at Sorel - the Pr was arrested there about 1 Oct. last - the Pr came to house of Ws - where there came two persons to the house asking for lodging & his man gave them a room -

Soon after Mr Gendreau came there & described the robbery of his money & described the person - the witness went up to the room wt Gendreau & found the Pr to be the man he wanted at whom he accused of the offence of stealing his money - there was found a quantity of money in a valise gt the Pr had with him -

Louis Malo - Keeper of stolen effects - the last wits. gave into possn of Wits. £24. 18. 9. as having been found on the Pr gt is same now produced - the purse was also delivered to him & same now produced -

Verdict. Guilty

The King
v.
William Jackson the Elder
William Jackson the Younger
Julia Wall, otherwise called
Julia Welch – and Patrick
William Kelly

} On Indictment for stealing privily from a Shop, above the value of 5/ Stg –

John Flannagan. kept a small shop in Sept last in St Paul Street in this town, he kept dry goods, cloth & wearing apparel for sale white Cotton, & Calicoe – the shop was broke into on the night, and 37 yds cloth worth 4 of – 2 prs trowsers worth 20/– 20 yds cotton 20/– 28 yds Calicoe 10/– 3 waistcoats 10/– 20 other yds calico 4 of all their effects belonged to him and were stolen out of the shop – That Mr & Mrs Harrington told him that they had stopt some persons who were selling goods under value of – they suspected to be stolen & Wm went to the Police office, where he saw a damaged piece of Cotton of his he knew to be his property. from it being a little damaged, and having been cut ~~from~~ ~~and the piece~~ by him – A man named Burns told him that some such articles as he had lost were left at his place – shewed Burns the kind of goods, being Calico he had lost – of Burns & he had at his house and also a waistcoat, of the like he had worn – there were other articles he found at Burns's – he can swear to the waistcoat & believes the Calicoes to be his being similar to what he had lost –

Elizabeth Harbinson wife of last Wit — used to attend her husbands shop knew the goods in it — &c the articles mentd in indictment were stolen — went to Harrington where she saw two women who had a piece of Cotton for sale qt. we knew to be stolen & claimed it as hers but the 2 women said it belonged to them — they were arrested — ~~heard~~ that Jackson the Pr had ~~sold~~ a shawl & a belt & sold to Mrs Osborne ~~for sale~~ qt. he said he had gotten from the Pr Wall, and he said that the husband of Wall was the person who had broken open the shop & had brot the goods to his Jackson's house, and that if she went to house of Kelly she would find some of the goods — got a search warrant and found, one of the aprons of Calico qt. she knew to be like the Calicoe she had lost — next a shawl, either in or along side a box, & other shawls were found under the bed, & qt. were like those she lost —

x

The calicoe she claims is like other pieces that may be found in town — but knows it from being a little rotten — That Kelly said he knew nothing about it, but that his wife could give her a better account

Catherine Burns, wife of John Burns — says nothing —

Verdict not Guilty

The King
v.
John Thomas Gilbert } On Indictment for Grand Larceny –

Robert Moor, lives in St Ant, recollects in 3d Jany last Mr Saml Marr came in search of fish that had been stolen – there was one of the fish gt was in house gt Marr claimed as his – Wr told at the Police office, that he had got the fish from one Mrs Rollins –

Margaret Moore, wife of Rollins – in Jany last she lived in Rec. Sub – Ks Pr he had lived some time in College Street at work house – She received fine salmon trout from the Pr – there was a young man in company wt Pr one Peterson –

The Pr cannot ~~pass through the~~ go out at night without passing through landlord's premises –

Daniel S. Glynes, keeps Farmer's Hotel – that one Samuel Marr came in from States wt a large load of fish, there was a quantity of the fish stolen from the yard of Wr premises – that at first there might be about 300# wt – but afterwards found there was 5 Cwt – sold them at $10 ℔ hund wt – They went to Made Rollins & while there the Pr came up wt a fish in his basket, & when he saw Ws & other persons wt him there, he threw down the

basket

basket and fish and run off — but he was afterwards arrested — There was only one load of fish in the yard qt. was that bot there by S. Marr —

Louis Malo, Constable — was charged wt. search warrant for fish that had been stolen — he arrested the Pr and told him the cause — went to Moore's saw one of the fish — & described a cut on the belly on one of the fish qt. was found in Moore's yard — went to Madr. Rollins, found a Salmon trout cut in 2 or 3 pieces — of qt she refused to give an acct. — the Pr came there with a fish in a basket — on seeing them, he threw down the fish & run off from thence they ~~was~~ conducted him to Police office the Pr. D. it was Peterson who stole the fish wt him, that Peterson had gone over the ~~night~~ gate & in the night they took away 11 or 12 fish — there were no promises or menaces made —

The Prisoner called no Witnesses —

Verdict Not Guilty —

Friday 28th February 1834

Prest.

Ch. Justice Reid

Mr Justice Pyke.—

The King
v
Daniel Mahoney

On Indictment for stealing privily from a Shop, above the value of 5/.—

John Wynne Bogs, mercht. in Montreal — In October last he had a young man Geo. Scott in his service & also one McNess — Wr went to Quebec in Octr. & there had a quantity of lawn, Cotton knives & razors in his shop — on his return from Quebec, he found that several articles had been stolen out of his shop, and that Geo Scott was in Gaol — ~~understood~~ Wr saw ~~that~~ the boy Scott, who told him that the Pr. had adversed him to take sundry articles out of Shop and give them to him — saw the Pr. & Scott together in the yard the Sunday before he was arrested — Scott boarded at Borrey's & the Pr. lived there — Scott is about 15 years of age —

The piece of linen now shewn he knows to be his property from his stamp being on it, it is worth 4/6 ℔ yd & there are 13 yds of it — There are two pieces of lawn on gt. there is his private mark & contains each 13 yds & sells them at 2/3 ℔ yd — he had penknives such as those now shewn — values them at 1/ each — says same as to 4 razors — value 1/ each. Saw Pr. after he was arrested —

James

James McNiess. In Octr. last was a clerk of last Witt. McBogs went to Quebec about that time - during his absence, Witt missed several articles out of the Shop, 2 razors - a doz. penknives & 1/2 doz. other knives - That one Thompson who boarded at Borreys came to tell him that a man had come there to enquire about a boy who had hardware for sale - went to Borreys where Mrs Borrey told him it was a Mr Keish - went to him - & he told him there were two boys who had offered him several articles & from the description of the boys he suspected Geo. Scott - & on examinn. he found the above articles missing - heard that the 2 boys were going to States & the other was to accompany them to Laprairie - he got a warrt. and Pr. was arrested -

Ks the piece of lawn now shewn to belong to McBogs has only had a right to sell in Bogs absence - does not remember having sold this article - nor was any sold of that description to his knowledge -

The piece of Linen now shewn is also McBogs's property from the mark on it - it was never sold - nor marked in the book as sold -

There were knives of a similar description to those now shewn - as likewise the razors - & similar had been sold before out of the Shop -

X -

There is other lawn of same description in the Shop - & similar kind was sold at different times. -

Edwd Thompson in Montreal - Ks Pr - was pres. when he was arrested at St Johns - several articles were found upon him similar to those now shewn him. - cannot

say

say whether they are same now shewn — Pr was told that he was arrested in consequence of goods that Mr Boggs had lost — & that the goods found on him corresponded from those lost — The Pr said he had got those articles from one Frank — the Pr & the articles were brot to town & delivered to Mr Delisle & Mr Malo —

The Pr said he was on his way to return to Ireland

F

Knows that Pr was sometime in the service of Mr Borrey a tinsmith —

Louis Malo — ~~was at P~~ met the Pr & Hebert & Thompson officers coming from St Johns in Oct last, they deposited in the hands of the Ws the articles now shewn him —

Defence

Andrew Borrey. Ks Pr who was in his service three or 4 years — he employed him confidentially — in collecting money & other matters & always found him correct — and when he left Ws he settled all things amicably wt him — understood that he was going to return to his native Country — ~~Ws~~ he had friends in the States & meant to go that way — Had a person of name of Frank Masson in his service, he was accused of this offence — and was brot to the Police office — he has since left the Country —

Deliv. Clerk of Crown, produces record of the plea of Guilty of Geo. Scott upon this Indictment

Verdict. Not Guilty.—

The King
v.
David Brown
&
John Smith

On Indictment for Grand Larceny

Franc. Meneclier de Morichon— In Sept last he was in the Service of Laroque Bernard & Co Jr Bro Mogenais in Sept last purchased from the said Co— the articles mentioned in the Indictment and of the value therein mentioned— he directed these goods to be delivd. to Mr Barnum to be forwarded in his barge— they were in consequence delivered to him— was told afterwards told these articles

Knows a piece of Cotton barré 60 yds 35/ and a dozen red Caps at 7/— St— having the private marks of the Co on them— the other articles correspond with what they so sold & delivered to Barnum—

Richd Barnum, owner of a barge on Canal— goes to Pt Fortune he went wt Mogenais to house Laroque Bernard & Co & recd. a bale of goods from them for Mogenais— they were packed up in a bale & he recd from the last Wk— This was in Sept last, he put them on board his boat & covered them up with an Oil cloth— In the morns he perceived the bale had been opened & goods taken away

he carried the bale back to Mr B. & Lavergne to ascertain what had been stolen, when he understood that various articles were missing and next day he saw the goods at the Police office — Saw the Prs in Gaol, told him that two men had given them these goods to carry as far as the hay market, but could not say who the men were —

x

It was the same night the goods were put on board they were stolen —

Franc. Menecher de Morichon, brot up again, says he was present when Barnum brot back the bale, when it appeared that the bale had been opened & articles forced out — 12¼ yds. of brown pilate cloth cut off the piece — a piece of flannel — 1 piece Serge — 1 of Cotton barré — & other articles laid in the Indictment, were missing to the amount of £18 —

x

The goods are just laid aside & given to the Packer who puts them up —
Sold goods of the same kind to other persons wt the same marks upon them — believes these goods so marked to be the same he sold to Mogenais as being found along wt the other goods —

Joachim Legros — watchman — in Lisle last — his stand was at end St Paul Street on wood market — in the night he saw the Prs coming from Griffin tower near the Canal, with goods on their back — he

stopped

stopped them — asked where they had goods — that they had bot them at Lachine & were carrying them to St L. Ant — carried them to watch house, and the goods along with them — on his arrival there he exam.d the goods — he marked them all, and they are the same now produced — That next day he conducted the Pr to the Police office w.th the goods to Mr Malo —

It was before midnight he arrested the Prs

Louis Malo — Is keeper of stolen goods — about 1 Oct last he rec.d from the last Tuck — with the goods here produced — gh goods have remained in his possess.n — until now produced —

Verdict. Guilty. —

The King
v.
Joseph Messier
otherwise called
Joseph St Francois

On Indictment for Grand Larceny —

Joseph Chicoine lives in parish of Vercheres the Pr lives at St Denis, with his father — he saw the Pr on 29 Dec.r in neighbourhood w.h some pottery for sale — he stopped at house of W.r on his way — In the night of the 30th & 31st the lasteries of W was broken open, and 20th suif 6 Dth — about 10th mutton 2/ — a quarter of beef 7/6 were carried off — That next day he was informed that the Pr had attempted to break into the lasteries — he got a warrant from St Denis & went to house of Pr — he went up to the

garret

garret & found the quarter of beef, and mutton in the garret & the suit below, all in the same state, the Pr. sd. he had bot. these things and on being called to take them to the person from whom he had purchased them, he made no answer — On this the Wr took back his property & the bailiff arrested the Pr —

&

The Pr. sells pottery — & these persons commonly take articles of produce as well as money in payment —

Verdict. Guilty of Petty Larceny to amount of 15/ —

The King
v
William Lane } On Indictment for Burglary —

Norman McDonald, keeps a grocery shop in St L. Sub. on 30 Jany. last — lived there there is one window & 2 doors in the shop — there is a communication between his bedroom gt is behind the shop and the shop — there are two families who live up stairs — Wr fastened the window and two doors the evening before & went to bed about ½ past eleven — there was a quantity of copper Coin in the till — & a piece of silver 1/3 — the till was rather full of copper Coin, to the amount as he thinks of 8 dollars — there were farthings also in the till also, to the extent of a 100 — all of gh

he

he saw before he went to bed — In the course of the night, ~~[illegible]~~ about 3 p.m. & 4 p.m. he heard a noise in the shop, like the chinking of coppers, he got up went up stairs, went to the people in the N. W. end of the house, & waked up John Jameson & Robt Jameson who came down. the Wts & young Jameson went round the house; Wt saw a person standing at the door of the shop, who run off the Wt followed, but did come up wt him — when he returned he found John Jameson holding the Pr he brot the prisr into the shop — when he heard the coppers falling on the floor — he alighted a candle — went to the watch house — asked if he could take coppers in the possn of Pr from him, Capt sd he might — went back & demanded them of Pr — who took out coppers to amount of about 15/ — brot Pr to watch house, where coppers were counted — Wt sd he must have more coppers — & on further search of Pr about 15/ more were found in coppers — particularly the whole of the penny pieces — The person who was outside the door, took up something qt he threw away, & found it was a broom which belonged to Wt & was in his shop the evening before —

John Jamieson — lived in the upper part of the house occupied by last Wts — was awoke in the night of 29 ~~Jany~~ last tells him there were people in his shop & called for assistance. Wts went through the yard into the sheet and came round to the door of shop in Dorchester Street — saw a person stands at the door wt his back to it — the door open — he ran off on seeing

Wts

Wk — The Pr was in the shop, saw him coming out, and seized him — when McDonald returned from pursuing the other, they took the Pr into the shop — they got a light — about this time they heard coppers dropping on the floor — The Wk & his father kept Pr — & McDonald went for the police, when Mr McD — asked Pr to give up the coppers he took a good quantity out of his pocket — and when at police office Wk saw more taken out of pkt of Pr —

This was about 4 o'clk in the morning

There was an outer door, qt was opened — the till was lying on the floor —

Joseph Bourdon on 30th Jany last he was called by first Wk to his assistance — went to his house, saw Pr detained by last Wr — brot him to watch house where he was searched further, and they found another quantity of copper coin on Pr to the amount in all of about 6 dollars — That the Pr. sd. all the money did not belong to McD — that he had some of his own with it —

That in the money qt he had the Pr said he had some of his own —

Norman McDonald brot up again, says — the coppers brot to

the

the police office were packed up, and he put his initials on the parcel, which he now recognizes — the bundle now opened contains farthings, and there is a trente sols wt. a Cross upon it — gt he says is his

The other packet contains penny pieces to extent of 30 a 40 — and the third contains coppers — to extent of 3 a 400 —

The outer door is fastened with a hook to the inner door & it was so fastened the night of the robbery — when he saw the door next morning the hook was hanging to the inner door —

Found the till lying on the floor with only 5 coppers in it —

has had many ~~cross~~ x^d trente sols with a cross upon them

Louis Malo: Constable — the three bundles of copper were brot. to the Police office with the Pr. by one of the watch men —

The Pr. called no Witnesses. —

Verdict. Guilty. —

The King v Franc. Bourg } On Indictment for stealing a ewe sheep value 5/—

The Pr. on his arraignment pleaded Guilty to the Indictment —

Saturday 1st March. 1834

Prest.
Ch. Justice Reid
Mr Justice Pyke.

The King vs George Rolland } On Indictment for stealing privily from the person –

Augustin Paul, lives at Sorel, he came up to Montreal last fall on board the Steamboat St George from Sorel – the Pr was on board – the Ws had gone to sleep and was woke up to pay his passage, when they were near Verchères – while he pd his passage money the Pr was near him – he had a purse with value of 8 French Crowns in it in pieces of 2/9 & American hf dollars – there were besides a 30 Sols & coppers in it – Ws had a gilet on & he put the purse in the pocket of the gilet – havd pd the passage money he put up his purse into his pocket and the Pr might see where he put it – the Pr then S. to Ws come along wd me & I will find a good place for you, as it was cold & Ws. S he wd go & warm himself – the Ws went Pr having his hand round the back of Ws and on the side where his purse was – and having gone down nearly half the Stairs, the ~~Ws~~ Pr left him qk surprised the Ws & gave him some cause of suspicion of the Pr & putts his hand in his pocket his purse was gone – that only a minute before he had put his purse in his pocket, & no other person had been near

him

him but the Pr — The Wr went down stairs and told his companions of his loss — he also acquainted the second Captain of his loss — & he was told not to be uneasy as his money would be found — a search was made but the money was not found — they then went in search of Pr & found him lying among the packages — he affected to be asleep and in liquor — some of the persons asked ~~him~~ Witt if he could describe his money wt he did, by describing his money in hf Crown & american hf dollars a trente sols & some coppers — that there was a french hf Crown wt letters on it & a little cut on the edge — on this they made the Pr shew the money he had & among it the Wr found the ~~piece of~~ same hf Crown (cen francs) he had before described, as well as the ~~other~~ ~~amount of the~~ whole money he had lost — and ~~is the same now pointed out by him in~~ the money being now produced he pointed out the above piece of 2/9 he had in his purse when it was stolen — the other money is also of the same description he had in his purse —

x —

It was about midnight when he pd his passage he was the last of a number of persons who paid their passage money at the same time — Wr was perfectly sober — that 2 a 3 minutes after he missed his purse — he cannot describe the letters on the hf Crown piece — he does not know them — There was a little more money in the possessn of Pr than the amount claimed by Wr —

Joseph Lafresniere. was on board the steamboat wr last Wr — It was Wr who called him to go and pay his passage money the Pr was near Paul at the time — that 4 a 5 minutes after Paul came to acquaint Wr that he had lost his purse — he described one piece of 2/9 packets on which there were 3 letters, gt he did not know, but gt he Pr he

would

could ~~know~~ recognize ~~the piece of money &c~~ immediately that he suspected the Pr. They went in search of Pr. ~~to him~~, he seemed to be asleep, they woke him up & made him shew the money he had — on shewing it, Paul picked out the piece now shewn, and claimed it as his property — in consequence the Pr. was arrested & the money wh. the Pr. was put into the hands of Mr Deleste ~~the~~ high Constable

×

When Paul claimed the money, the Pr. sd. it was his & that they wanted to pillage him of his money — the Pr. also said there was a bill among the money which was his, but this the Ws did not see —

Benjn. Deleste high Constable, he recd from the two last Witnesses the money now produced, with the piece of 2/9 marked as described by the Witn. it ~~is the same~~ has remd in his possn ever since —

Defence —

Charles Vidal. was on board the steam boat wh. the last Witn. last Novr. he knew 2 young men who were on board whom ~~were~~ he considered as shewers, and he considered that either the Pr. or some of these must have taken the money —

×

Jn Bte. Fournelle — was at Sorel in Novr. last saw Pr. there, was on board the steam boat, saw Vidal there, but not the other Witn. That he saw the Pr. ~~change~~ get change of a 10 dollar bill from the woman of the

Inn

Inn and among the pieces the Pr made Wts remark one with 3 letters on it as particularly marked the Pr said he had another bill & other money in his pocket —

Knows Pr for some years —

Louis Malo — Constable — Ks Pr had been admitted to bail on this charge —

Augustin Paul, called up says, that he had this piece of money so marked for 2 years it was never out of his hands until he lost it on board the Steam boat —

Verdict. Guilty.

The King
vs
Jn Bte Fournelle
Franc Zephyr Laneuville } On Indictment for assault and battery. —

William Jackson — was confined in Gaol in Jany last — in the same apartments with the Pr knows a man of the name of Tibbets, who was confined in Gaol since about 12 a 13 Jany — On the 17 Jany one of Prs Leneuville asked Wt if he would join them to steal the boots of Tibbets, the Wt refused to join them, on this they sd if he would inform on them they would steal the boots that night & give him his share —

In

In the afternoon Lanerville wanted to borrow the boots of Tibbets as he wanted to fight wt. one Beach — That Wr. informed Tibbets that the Prs. wanted to steal the boots, and the Wr. at night took the boots put them under the head of Tibbets so that the Prs could not find them — That in the night time the Prs. got up & were searching round for the boots, but could not find them — on this Fournelle P. to Wr. you have declared us, or we would have got the boots — they went to bed, & spoke low together, one of them got up and Fournelle sank we must finish this affair — on this one of them went round the bed and laid hold of the bed cloths and they beat the Wrk. severely, with a wooden candle sticks and with a piece of wood, so that he remained unable to move, and was seriously injured — his arms were bruised, and his head wounded — and he remained motionless, so that one of them said, Fournelle — let him alone — he is dead — on this they called the Gaoler & the guard

Robt. — Neilson, Physician, was called to see the last Wr. in the night time, in the Prison — found him in his bed, covered wt. blood, he scarcely his senses at the time, but came to, he had 2 cuts on the head two cuts on the arm & on the back — he remained a considerable time ill from the blows he had received — he was severely beat, and a man of

a

a weakly constitution could not have endured it — Jackson required that Lanceville should be taken out of the room, otherwise he feared he would kill him — Wm continued to attend Jackson for some time — & at the end of the month he was much recovered —

Edwd Holland, Gaoler. the Pr were in Gaol on 17 Jany last. & also Jackson — Jackson is a debtor — but was confined among criminal on acct. of a dispute he had — There was a dispute in the night of 17. Jany the Centinel called Wm saying they were murdering each other in Ward No 8 — went up & called out & leave — or he wd put them in irons — went down, sent now contins — he went up again. when one of the Prs called out that a man was murdered — called the guard & went in Found Jackson covered wt blood, lying on his bed & unable to speak — Dr Neilson came, dressed his wounds — the Pr Fournelle rushed out, sd I'm the man who struck him & none other, I was obliged to do as I did, as Jackson was too strong for me —

Alexander Tibbets — was confined in same room w Jackson & Pr in Gaol on 17 Jany last — that Jackson told Wm that his boots were to be stolen, and gave them to him at different times — he did not say who, but understood that it was some of those in the room wt him & there were none other besides the 2 Prs & Jackson — Slept a same bed wt Jackson — I. on the outside — That

That Laneuville began to speak about his affair which he had had, & about Kellerstein — and it was said by Fournelle that Kellerstein was the strongest man in Gaol — they went to bed — that Jackson began again to speak about Kellerstein the Wt then requested of Jackson to be quiet — on this Jackson Sd if they are not quiet he would dress them both — Jackson was then quiet — That Fournelle got up & put on his Cloaths saying I must be put in irons to night — Laneuville called to him to come to bed — he refused — and said we must see how it will go — on this L. got up, & they threatened as if they meant to fight together — on this ~~Laneuville~~ Fournelle asked Wt. if he had said to L. that he wanted to steal his boots — That on this L. drew the blanket from off Wt as to cover up Jackson — did not see L. strike Jackson, but saw Fournelle strike him, and Jackson still lying in bed — that Wt recd. a blow qt was given by Fournelle — Jackson remained like a man prostrated from the blows — that Laneuville called for the Guard, when Gaoler came and removed Fournelle — who cried out that he was the man who struck Jackson —

Defence —

Trans Richer — In Jany. last was in No. 4. in Gaol — from what

what he observed there appeared to have been some difficulty between Jackson & Kellerstein & that if he Jackson went into No. 4 — it was that Pr. should come through his hands — les ravager, as they had done to others. —

Allen Campbell — Is confined in same room wt Jackson since the difficulty between Jackson & Pr. never heard Jackson say any thing agt Pr. —

Charles Perkins — Is confined in the room next to Jackson but in same ward — That some 3 or 4 days before this, he would kick the 2 pns if they did not behave themselves —

Joseph Audy — was in No. 8 — in Gaol — Jackson & the Pr. was fortunate in striking first, as otherwise they shd have received a good dressing from him — that he heard Jackson say, that he would keep them in order — that he must have satisfaction of them, & that if the brother of Pr. had not used intemperate language to Jackson he would not have prosecuted him —

Benjn Deleste Jr. Constable. Kellerstein was put in the same ward wt. Jackson, who was not pleased, as he did not wish to have disturbance —

Joseph Durocher. Has been in same room wt. Jackson, who has occasioned trouble among the Debtors — has a knowledge of two different times —

Verdict. Guilty — agt. both Prisrs —

The King
v
Francois Leclaire } On Indictment for Grand Larceny.

Henry Sprouls, lives at Longueuil, he had on the 30th Jany last a ~~quantity~~ number of fowls belonging to him there were at least 30 of them — The next morns they were all gone but one — they were taken out of the stable, the door ~~open~~ shuts by a cluville, it was shut but the door of fowl house was open — Gave information in town and found 4 days after that a dozen & a half of his fowls were at the police office — a great part of his fowls were lufted and some remarkable fowls among them. That one Bousquet told him he had stopt the fowls & sent them to the police office — they were worth 1/3 the couple — they were choice fowls & worth more when alive —

x.

There were no particular marks on them, except one or two that had their feet crooked, their feet having been frozen — Saw his fowls about midnight, the night the fowls were taken —

Franc. Bousquet, is a huckster in town. the last Wk told us about end of Jany last that he had lost a quantity of fowls & requested him to stop such as he described, if offered to sale — That two days after he observed a person wt number of fowls in a tea box — he asked where he had fowls — he s. they belonged to a man of Longueuil — soon after the Pr. came up & he was asked where he had

the

the fowls, he sd he had them on the Quebec Suburbs & that he lived there — Wits called the Clerk of the market & the Pr was arrested — The fowls were in bad order — they appeared to have been chocked, were red — the feathers were taken off — Thinks there were 18 fowls in the box — the Pr had sold two couple before —

x

Observed there was one fowl that had 3 ergaux vlés — the Pr made no resistance when the fowls were claimed

Louis Malo Constable, was at Police office when 18 fowls were brot. to police office about end of Feby last with the Pr — That Bousquet said that from the marks on the feet which Sprout had given them they appeared to be the same — The feet here produced are part of the feet of those fowls — gt appeared to have been chocked, & were tied with the straw of chairs

x

Thinks it difficult to distinguish the head now produced as belonging to a cock gt when alive was the property of the Wr — That the feet of fowls may be known —

Henry Sprout — The 2 feet now shewn belonged to a large white cock he had which was taken — Shews the feet to the Jury — shews six feet which he recognizes to belong to fowls that belonged to him —

Defence —

Pierre Caron, ks Pr for several years — Was present when

a young man asked the Pr to sell a quantity of fowls for him, which Pr agreed to do — does not know the young man — The Pr is the nephew of the Curé of Beauharnais —

Josette Gendron, Ks Pr — That a young man requested of the Pr to sell fowls for him in her presence about six weeks ago — the fowls were on a traineau or on a tea case —

Pierre Dupéré, bailiff, Ks Pr for 2 years past — he belongs to a respectable family — he lived in the service of the Work during a winter, he was quiet & conducted himself well — Stift him to learn a trade —

Verdict, Not Guilty —

The King — }
John Fitzgerald } On Indictment for petty Larceny —

Hyacinthe Laboussoniere, that about Wr had a bag with fish and a kettle which were in his train, he stopt at Mr Coits in town & left the kettle in the train — he was told that the kettle was gone — he went out and pursued after, he did not at first see the person but on going towards the New market he saw the Pr with the kettle in his hand running

off

off. he arrested the Pr — and he was committed to Gaol — The Pr — ad he had bought the kettle & had pd 2/9 for it — he had not been above 3 or 4 minutes in the house before he was told the kettle was taken — It is worth 6/ —

+

When he bot. this kettle there were others of same kind to sell —

Jn Bte Moreau was in St Paul street on the 18 febr last saw a train before the door with a kettle in it — a young man told Ws. that Pr had laid hold of the kettle and put it down again — & told Ws to look after him — the Pr — came back took the kettle & went off with it —

+

Verdict. Guilty

Monday 3d March 1834

Prest.

Ch Justice Reed
Mr Justice Pyke

The King —
Archelaus Welch
the Younger —

On Indictment for Murder —

Joel Franklin Hall lives in Farnham, ks Pr — knew Dd — Wm Truax, — was at tavern of Md Bowker on 1st Jany saw Pr & D there — & several other persons — to extent of 30 persons — Pr was there when M. went but not D — he came there between 2 & 3 o'clk — wt on Freeman Higgins — D. appeared sober — Did not think the Pr was quite sober — When D. came in Higgins & he drank something at the bar — D. then stood agt a window where one Brown sat — who had his eyes black — asked him who gave him that — Brow did not answer, but some one sd, it was D — on this D. sd he would give him as much he would give 5 dollars — some altercation took place, & D. took off his coat — he laid his hand on shoulder of Pr & on this Pr called to Freeman Higgins that D had laid violent hands on him & that he would take the law of him — on this D — sd he would give him cause to take the law of him, and knocked the Pr down, and when down kicked him once or twice — Pr got up, same words passed — on D asked what he would take to settle he sd he would

have

have pounds, D. doubled his fist, & sd there the five pounds I'll give you, & knocked him down again — when he got up there was again some conversation, & the same proposal for settlement was made, and the Pr renewed his demand for five pounds — this D refused to give, and the Pr went out and went to a blacksmiths shop, distant between 8 a 10 rods from the house — Wr stood in the door — D sd he would go and see if he could not settle wt Pr he disliked having a law suit for so small matter — & followed the Pr — That D came back directly & sd the Pr sd he would knife me, & that it was time for him to go — & came into the house and put on his coat & hat & asked his uncle if he would go — who sd he would — Wr saw Pr coming back — about 6 to 10 minutes after he had left the house — saw Pr wt a knife in his hand, & Wr observed to some persons near that he had his knife in his hand — some sd he was whittling — Wr returned into the house, & the Pr came in & stood near the door —, when D. stepped up to him & put his hand on his shoulder not seemingly in anger said Damn you Arch — you sd you would knife me, on this saw the Pr make a rapid movement wt his hand towards body of the D — did not see a knife at time in his hand — the D — pushed the Pr down and turning towards his Uncle said, he has stabbed me, I'm a dead man — on this Pr got up he

then

then saw the knife in his hand — Pr went out, was followed by Higgins, who struck the knife out of the hand of Pr and another Higgins took up the knife & threw it towards the River it fell in a wood shed & Wr picked it up. The Pr was committed to charge of Pr This was about 4 o'Clock — the D. died about 6 o'Clk saw him dead, and the wound on his body — Capt. Whitfield was called to take charge of Pr but he refused — & the Pr escaped —

Inquest was held on the body —

When Pr went out of the house, Wr saw that he was very angry — but he did not hear him make use of any words —

Wr delivered the knife to Mr Freligh, the Magistrate it was clasp knife — had A W. marked on it —

By the Court — It seemed to Wr that the Pr was as much in a passion when he returned back into the house as when he went out —

x

The blacksmiths shop is on the road of Pr to his home — D. went out soon after him, saying he wanted to settle — It was after the Pr had been thrown down that he heard the D. say he was stabbed —

~~Freeman Higgins~~ —

Henry Bowker — of Farnham, was at his fathers tavern on 1st Jany. last — saw Pr there that morns — a little after sun rise — lives 1/4 mile from there — remained till about

noon

noon — he had been fighting wt one James Brow — a lame man — gave Brow black eyes — the Pr went away & came back about 2 o'clk — thinks he was sober. said Wm T. the D — came there a few minutes before the Pr returned, about 2 o'clk — when D. saw Brow, on a sofa — thinks the D. spoke to Pr first, asked what he had been doing — does not rem. the answer — D. d. if he would give him such black eyes as that he would give him a 5 dollar bill — D — asked if he remembd the time when he abused his brother — if he had not said he would whip all the Truax's n T — & that he would better begin with him, and laid his hand on the shoulder of the Pr — The Pr on this d. he would take the law of him for laying violent hands on him, and that he would have £5 of him — on the Pr d. if he meant to take the law he would give him something for it, and that if he gave him £5 — it shd be with his fist, on holding it up and after having taken off his coat — the D. then knocked P down. & when he got up he still asked £5 — for a settlement — The D. said he would treat the Company & settle it in that way, the Pr refused that, [and Pr went out — the D. followed him — saw D. return & say that Pr would not settle. & put on his cloaths saying that he was going home — on this Pr came in, about 5 or 10 minutes after, did not hear what he said — W was talking wt Higgins & did not observe what took place — heard some noise — and saw D. come up to the bar where Wm was & say to his uncle Uncle Freeman Arch has stabbed me, he has put his knife in my belly — he then fell down — & was carried into another

noon

room — we saw the wound, it was in the belly —
D. died about 6 o'clk — saw him dead —
The Pr. walked in quickly, when he came back to
the house —

x

After the scuffle, when Pr. & D. had returned back to the
house, he saw the door of room open —

Jessé Patterson, lives in Stanbridge, about 12 miles from Higgins
is a Surgeon — was called upon 1 Jany last to go to
one Bowkers to see a person there that had been stabbed —
On the road was told it was Wm. Truax who had been
stabbed by Pr. — was told at Higgins' where he heard that
D was deceased — body was brot. to Higgins's, he —
examined the body in the presence of several persons —
the wound was in abdomen about 1/4 inch, it entered
the linea albea on the left side, it cut the illium one
third or a little more — it passed 2 folds mysenteria
& cut off the superior messentory artery — had it gone
in a straight direction it must have struck the
spine — it was about one inch above some of the
intestines, which were hanging out of the wound —
thinks that besides the stab there must have been
a cut turning towards the left — the wound appeared
inflicted by a knife — it was two inches long, & sufficiently
deep to have struck the spine, had it gone straight —
This wound was sufficient to cause the death of the
D. —

John Racey, Surgeon, that after the division of the
mysenteric artery, death must ensue almost immediately

Freeman

Freeman Higgins, belongs to Farnham — Ks Pr & D — who was his nephew — he was at his Mr house on 1st Jany last — asked Ws to go to Capt Whitfields to get liquor for his men — went as far as Bowker's wh him, Ws stopt there & D. went on to Whitfields — Did not notice P. until he heard the 2 talking together — The D. returned about 15 or 20 minutes after he left Wr there was a number of people in the room — Does not rem. the words, but saw D strike Pr & knock him down — saw P. upwards who sd he would take the law of D — & would make him pay dear for it — D. asked for a settlemt — & would treat the Company — Pr sd he would not settle it for less than £5 — on the D. shews his fists sd there are all the fine £ you shall get from me — Saw Pr between house and blacksmiths shop — distant about 10 rods from the house — The Pr walked deliberately towards the shop — did not see him come back to the house, — he again heard the Pr again say, that he would take the law of D — Ws said they had better settle & take something to drink — the Pr told Ws to take notice I'll take the law of him, & will not fight — Ws sd he would not be a witness of any such quarrel & turned the other way — the first thing he heard after that was — Arch. you have stabbed me I'm a dead man, & turns towards the Ws he sd Uncle — he has stabbed me I'm a dead man — When D recd the wound he had his great Coat on & had prepared to go away — It was not over 2 minutes that he heard the Pr say he would take the law of him & the time he heard the D. say he was stabbed —

Saw the wound in the belly of the D — Blacksmiths shop is about 10 rods from house — follow Pr as he was going towards the shop homewards & struck knife out of

his

hand — D. went back to the house, saw D. kissed him — asked his forgiveness — the D. & he forgave him, and he hoped God would —

X —

John Bowker — lives in Farnham — keeps a tavern there, was at home in morn's when Pr came there — on Sunday last — W. went to his shop, walked there till breakfast time & after returned back to his shop — about 12 o'clk. his son came to the shop & informed W. that the Pr had been fighting wt. one Brow — & wanted W. to come to the house to keep peace — W. told him he would not go. another messenger came to say that they were breaking the furniture in the bar room — went there & saw some damage — asked who did it — no person answered — on this Pr came forward & flew upon one Brow — That after dinner he saw the Pr come into his shop with several others, that the D. followed and came within 8 or 10 ~~feet~~ yards of Pr — when he took out his knife, and threatened D. if he came nearer he would stab him with his knife, that D. said he wanted to settle with him, but on seeing the knife, D. returned back to the house — That the Pr & the people who were with him remained in the shop from 5 to 8 minutes — while they were at the shop door the Pr & his associates were talking together — and they all ~~went~~ walked together to the house — That when D. left the Pr and his associates, the Pr folded up his knife and appeared to put it in his pocket — That about

10

10 minutes a person came to tell him that the Pr. had stabbed the D. wt. a knife & killed him — Wr. went to the house saw the wound on the D. and his intrails coming out — he died about 6 o'clk. Knew the D — he was a quiet ~~youn~~ and sober young man —

xd.

The D. had not his coat off at time he followed the Pr. & his comrades towards the shop — it seemed to Wr. that the D. was disposed to settle with Pr. —

Galloway Freely — lives in Stanbridge. J. P. — Wr. issued a warrt. agt. Pr. on information — on the enquiry had afterwards before Wr. a knife was produced to him by on Franklin Hall — he gave it in charge to Ephraim Hall — the knife was sealed up & seal is same as that now produced — and on being opened knows the knife to be the same he recd. from Hall —

Ephraim Knight. ks. Pr. — was put into his charge by Mr. Freely with the knife now produced — it was sealed up & is now produced

Alex. Deleste. Clk. of the Crown. recd. the sealed packet now shewn from last Wk. —

Jesse Patterson brought up again — the wound he saw on the body of the D. could be inflicted by the knife now produced —

Joel Fr. Hall —

Joel Franklin Hall — ~~is~~ the knife now shewn is the same he picked up, & which he delivered to the Magistrate, with the letters on it — He saw a knife knocked out of the hand of the Pr — saw it ~~picked~~ thrown on the shade, saw it fall down & picked it up —

Silas P. Dean — was at Bowkers on 1st Jany. saw Pr there — & also the D — Went there between three & four & 5th P.M. saw Pr & D. at door talking together — D. wanted to settle the business — & to drop it & be on good terms again. they talked some minutes — D. sd he would treat the Company — The Pr sd it should not be dropped so & went out pretty fast a few rods from the house he that the Pr was gone — about 10 minutes after he saw them 2 men again talking together, he saw a motion of the hand of the Pr agt D — on which the D. laid hold of Pr & throw him down — and after having thrown ~~D~~ down the Pr the D. jumped back and said, Uncle Freeman he has stabbed me — and Wz looking saw Pr on the floor with a knife in his right hand. — Thinks is the same knife now shewn — Higgins & Wz followed ~~the~~ Pr out, Higgins struck the knife out of the hand of Pr & is the same knife now shewn some one threw it on a shed another picked it up — They brought the Pr into the house, the D was then lying

on

on his back in the Kitchen — when the Pr saw him he seemed sorry for what he had done, said he did not know what he was doing; and begged pardon of the D — who said he forgave him — saw D — after he was dead

Charles Higgins, was in house of Bowker on 1st Jany — saw Pr arrested when Freeman Higgins knocked a knife out of hand of Pr the brother of Wife threw it up a Shed & Heath picked it up —

Benjn Higgins — was at Bowkers tavern on 1st Jany — saw Pr come out of the house & was followed by Freeman Higgins who struck a knife out of the hand of the Pr, like that now shewn & the Wife picked it up and threw it up a Shed, on Heath went to the place when it fell, & heard him say, he had got the knife —

Defence

Frederick Segur — his Pr saw D. on 1st Jany last — Heard D. asked ~~Bowker~~ what he wanted to see whether the Pr would give him a black eye & that he the D. was going to Bowkers for that purpose — ~~he not D~~ that the D. requested Higgins to go with him to Bowkers, as if Pr was there he would give him a whipping

went

went to Bowkers — The Pr came in soon after — and it appeared that D. sought for an occasion to quarrel wt. him, he spoke about some difficulty wt. the brother of D— formerly — The Pr declined fighting wt. D— as if there was any difficulty wt. his brother he could settle it — The D. took off his great coat, his close coat & vest, & then took hold of Pr. & shook him, the Pr. c. to Higgins take notice he has laid violent hands on me — Higgins c. he saw hands laid on him, but of what violence he could not say — The Pr. threatened to take the law of D— on his D— c. he should give him cause, and knocked him down — when Pr. got up, there was a proposition by Mr Bowker to settle & take down this — The Pr. c. he would not settle for less than £5 — The D. holding up his fist c. there is the £5. I'll give you & knock him down again — The D. was a stout smart young man — When Pr. got up he left the room to go home — the D. followed without his dress — he returned soon after & said that he had persuaded the Pr. to come back and settle it amicably — The Pr. came back soon after — and took the opposite side of the room where D. was — & was near the door — saw D. advance towards the Pr — but did not see him touch the Pr. That he saw the Pr. on the ground & the D. standing over him — wt. his

hands

hands before him — and cried out Uncle Freeman he has stabbed me I'm a dead man — before this W. heard a scuffle before he saw Pr down — that when Pr returned back into the house there was blood on his face —

When the Pr left the house, he appeared quiet and said he would take the law of D —

The D. said when he followed out the Pr and came back into the house that he had persuaded the Pr to come back and settle it —

The Pr came back perfectly peaceable —

Did not remark a knife in his hands — thinks he would have seen it if he had —

First thing he observed, was when the D. called out Arch. you have stabbed me — & saw him bending over the Pr who was on the ground — cannot say whether he held his hand on his belly as like a person who had received a wound in the belly —

Saw no arms in the hands of the D.

Josph Higgins — the Pr — knew D — was at Bowkers when Pr came in — that Chas. Higgins came to house of Pr to let him know to come down to Higgins and see D. & others give a whipping to Old Bowker — the Pr put an shawl into his Cutter went down to Bowkers Pr went to shop & W. went into the house — saw Chs Higgins

Higgins sd. Trueax was going to give a whipping to Old Bowker as soon as she got him out of the Shop — when Pr came in when D. sd. there has been a man christened here to day, speaks to Pr and he would give a 5 dollars to any man who give him as much — Pr sd he had fallen on the Stone — no the D. it is you who has done this and I will pay you for it — The Pr. appeared quiet and claim & sd he had no grudge with the D — The D took off his cloaths, & told Pr that when we were boys a fishing I lost your fish hook. You beat me, & I'll pay you for that too — D then sd. gave a shake to the Pr when he called to F. Higgins to witness it — on this the Pr. sd that he would take the law of him, the D. sd. then I'll give you some cause for it and knocked the Pr down, and when down he kicked him with the heel of his boot and wt. the front of it — on this the Pr got up and shewed a mark on his cheek wt blood on it. The Pr. sd. that he would settle the matter for five pounds, on this the D knocked him down again — afterwards the Pr got up and went away towards his own house — the D went after him strept as he was — The D. returned first, and soon after the Pr — the Pr had blood on his face —

P

Is brother in law of Pr he always had a partiality for him, and would assist him when he could — There appeared to be a complot, as many persons there stood by who might have stopt it, but they seemed disposed to let the thing on —

He saw the Pr after he went out, and told him he had better go home, he appeared like a man deranged, and not to know what he was about — There seemed to be sorrow of a party agt the Pr — Heard F. Higgins say they had better settle it — Saw the knife now shewed to him, which belonged to Joshua Welch, & was given to the Pr in exchange —

Daniel Moger. Junr — was at Bowkers on 1 Jany last was there when D. arrived — the Pr was not then arrived — but came after — soon after the D. slept up to him P. a man had been christened there that day wr a pair black eyes — & told Pr if he wd give him such a pr of black eyes he wd give him a 5 dollar bill. The D. pulled off his cloaths — P. he had no grudge agt him — D. laid hold of Pr and shook him — mentd the difference between Pr & the brother of D — That Pr S he would take the law of him, on this the D he sd have some cause for this, & knocked Pr down — he repeated his blows when down, kick'd him with the toe & heel of his boot and stampt upon him — Pr got up & called on company to take notice, — D then

offered

to settle, but Pr would not settle under £5 — when D. shook his fist in his face and said that was the £5. he would give him, & knocked him down again — the Pr got up & went out, to go home; & soon after the D. followed — after an absence of 10 minutes the D. came back put on his clothes & the Pr followed soon after & took the opposite side of the room where Pr was — on this the D. went up towards the Pr said laying his hand on his shoulder and said damn you, will you take your knife to me, and pushed the Pr towards a door and forced it open — and by another twich he threw him over a bank, & he fell over an Indian who was lying on the floor — at this time he did not hear the Pr speak to any one —

The D. is rather taller than Pr — who is a peaceable & quiet man —

James Laroy — was at Bowkers on 1st Jany last when D. came in — saw Chs Higgins come to house of Pr that day does not for what cause — Wr went wt Pr and soon after D came in — & a man christened wt a pr of black eyes — damn you Arch. you did it, now you to get a damd licking — on this Pr sd he had nothing of him — on this the D. knocked him down, struck

him

him 2 a 3 times & then kicked him with the toe & heel of his boot in the face — Pr got up & said he would take the law of him, if he wd give him £5 he would settle it — on this D. sd damn you there's the five pds & knocked him down again the Pr got up & went out towards the blacksmiths shop homewards, when D followed them — the Pr seemed alarmed — & took out his knife, and did not wish him to come near him — ~~& that~~ on this the D. requested the Pr to come back & he would settle, & promised to give his obligation for £5 — the Pr returned, but took did not go in immediately, but hearing a scuffle he went in & saw the D holds Pr down over an Indian on the floor —

Abner Rider, was at Bowkers on 1st Jany last — Ds was there when he went — Ws was at Prs house when Chas. Higgins came to say that Freeman Higgins was going to whip old Bowker — Ws. went down to Mr Bowkers — D. observd. that a man had been christened there that day & that he wd give P — a 5 dollar bill if he wd give him as much — that D. took off his cloths & laid hold of Pr by the shoulders & pushed him back. Pr sd take law of him D knocked him down — & kicked him in the face wh his boot Pr got up sd. he wd take law of him when D

knocked

him down again, when Pr. got up — and went out to go home as Wr. supposed — That D went after him — after some time the Pr. came back to the house & stood near the store door — That D slept up to him & said, you'll take the knife to me, and put both his hands on him & push him back agt the door — and then drew him forward when Pr. make a blow at him, & Pr. fell down over the Indian on the floor —

+

The D. had his great on then Pr. returned — the Pr. could have struck the D wt the knife before the Pr. was knocked down, ~~before~~ without his seeing it

William Rider, was at Bowkers on 1 Jany — was there before Pr. went in — heard D threaten Pr. — man christened — blk eyes — you did it — 5 doll. bill, give me the like — after some words D. strept off his cloaths, & he was going to lick him, Pr. sd he had nothing agt him — shook Pr. by shoulders — P. sd he would take the — knocked Pr. down — kicked him 1 a 2ce — Pr. got up & still threatened to take Law — £5 — ~~the~~ Higgins advised a settlement — Pr. insisted on £5 D. knocked him down again — saw a little blood on his cheek — Pr. got up & went out — D. followed him — he came back sd that Pr. had threatened him wr his knife — D had put on his cloaths, slept

up

slept up to P. & laid his hand on his shoulder & sd. knife to me will you take your & pushed him agt the partition, & twitched him forwards and on his twitching him forward the Pr. struck him & before he fell down — Ws. saw no knife —

The D. laid his hands open on the shoulder of the Pr. and when ~~he~~ said Damn you Arch will you take your knife to me & then shoved him up agt the partition — & when the D. twitched the Pr. forward — he saw the Pr. give the blow to the D. —

John Derby — was at ~~Welch~~ Pr's house on 1st Jany — called at Bowkers that day — saw D. at Capt Whitleys that day who asked Ws. if he had seen Brow's eyes black & sd had he had been there ~~& should not have happened~~ he wd given him a threshen & that he wd not go home till he had trimmed him off & wanted Ws to go with him — but Ws could not go

Pr. always had the character of a quiet & peaceable man —

Gabriel S. Michel, lives at Farnham — saw Pr. the ~~night after~~ 1/4 hour after the scuffle, he looked like a man in liquor, and the blood running from his ears, and his face bruised, — Ks. Pr. for 4 a 5 years, a man of good character —

Wm. W. Chaffers, lives at St Cesaire, is a Inst. of Rem Ks. Pr. for 7 or 8 years, he has the character of a quiet, peaceable man & good father —

Mary an. Higgins, lived wt Pr on 1st Jany last — he was lying on the bed when Chas Higgins came in & Jd. Freeman Higgins & Wm Traws had gone down to whip Mr Bowker, & wished P. to go and see the sport — the Pr. got up and went to Bowkers — & Wm went there also — she saw he had been very badly bruised — and he carried the marks for a considerable time afterwards —

x

Wife of Jos. Higgins who is the brother of the Pns wife — saw Pr about noon — he then had a mark over the eye —

Grant — for Pr 781. 1st Russel — the homicide was justifiable —

The Atty Genl a case of manslaughter has been made out — 5 Bur 2793. King & Taylor —

The Court adjourned the further consideration of this case till to morrow; and directed the Jury to be committed to the charge of the Sheriff —

Tuesday

Tuesday 4th Febry 1834

Prest.
Ch. Justice Reed
Mr Justice Pyke

The King
vs
Archilaus Welch
the Younger —

On Indictment for Murder —

The Jury being returned into Court and being called over, were charged by the Ch. Justice and retired to consider of their verdict. —

Verdict, Guilty of Manslaughter —

The King
vs
Thomas Wilcox

On Indictment for stealing above the value of 20/ from the dwelling house

John Fennell, lives in Montreal — In Sept last — ~~the~~ Thos Rigby & Wr went into Stone's public house near the barracks — saw several soldiers there — some drink was called for by Wr — they were about changing watches — & Wr offered 5½ dollars w his watch for that of Rigby — Rigby declined for the moment — Wr put up his money in a box & put it in his pocket — but the pocket being bad, the box slept through — They agreed to meet same hour next day — on going round saw the pr. take up the box, & went down stairs

wt

wd. it & in 5 minutes after came back called to Thos Rigby & told him Wr had lost his box & gave it to Rigby to deliver to Wr, but Rigby refused at first — however at last took the box & returned it to Wr — & on opening the box found 2 5 dollar bills gone, & ask Pr about it, but he sd. he had not opened the box — but Wr suspected no other person — There remained £3. 14 — in the box — Another Soldier called to Wr. to know what was the matter — & he told him — another soldier began to joke & banter the Wr — saying he had not lost his money — & while he was speaking to him he found the hand of a soldier Wm Beach in his pocket, who held the box in his hand, & on pulling it out he put it away he does not know where — his box was gone. he went down Stairs & was met by last Soldier who laid hold of Wr — who sd he would kill him if he sd. he thot. he had his money, and ill-used the Wrk — Thrts. made complaint to the Sergeant Major — who told him to observe as the man passed & when Pr came up he sd he was one of them — & charged him accordingly, he was arrested, & searched in the Guard house The bills were in his box, they were of the Montreal Bank & 5 dollar bills — The Pr returned the box in 10 minutes after Wr had heard something fall, which

he

he found to be ~~the~~ his box & 2 bills were gone —

Had been about 3/4 hour at Stones — Had seen the money in his box about 1/4 hour before he went into Stones — had all his money £6. 4 —
Saw Pr at barrack gate & asked him if he had been at Stone's that night — he denied it — Stone came in about 5 minutes before Ws went away & he told him of his loss —

Thos Rigby — Ks last Ws was at Stones tavern wt him about 11 Sept last — had some thing to drink — the d. Fennell proposed an exchange of watches wt Wils & Pr he would give him a bill of 5 dolls £2/6 — on saying this he took out the little box in gt his money was stook out one — there were others in the box — they did not then settle, put it off to next day — saw Fennell put the money back in the box — saw the Pr there, he came in after Ws & Fennell — Did not see Pr go out but saw him return, told Ws he had got ~~a~~ that means box with money in it, Ws told him to return it to owner. Pr sd he would give it to Ws & he might return it — Pr gave it to Ws & he gave it to Fennell — who went to the Counter exam'd the box & sd that money had been taken out of it — The Pr went away soon after — Is in the same Regt wt Pr —

Is not acquainted wt Wm Beach — Pr appeared to know that box belonged to Fennell — on the money being declared to be lost, the Pr emptied his pockets to shew he had nothing in them — Had Ws lost his money he would have

have called on the master of the house —

Margaret Forbes — lives 2d & 3d door from Stones — was at home on 11 Sept last — keeps a Store there — recollects a man came to her shop about that time to get a 5 dollar bill changed — cannot speak as to the Pr. Recollects that Fennel called in next month or some time to ask Wm. if a Soldier had changed a 5 dollar bill changed — she remembers says a Soldier to change money but being busy at the time she did not change, & does not recollect the Pr.

Benjn. Delisle. high Constable — money was put into his hands from the Serjeant Wilson a sum £1.17.1½ and also £1.1.10½ — on the 12 Sept 1833. gt has remained in his possn. ever since —

Defence —

Thos Rigby — That the Wm. Fennell saying there was among his money what kind of money there was in his box. he described a 5/6 - piece ought Pr took one out 5/6 piece & asked if that was it Fennell sd. it was when Pr. gave it back to him — thinks if Pr. had meant to keep that money he might have done it —

Wm Beach — Cannot say he kd. the first Wk. never heard his name — recollects the evening a person at Stones, sd he had lost money — there were about 20 or 30 Soldiers

and

and one Civilian, who s^d he had lost his money — saw Th^s Rigby there — That Wilk. did not that evening put his hands in that Civilian's pocket — Is now under an accusation on that acct — That no attempt made to stop W^m on acct of this — That next day he was arrested at the barracks — That trade of W^s is a brush maker in the Regim^t — makes sometimes 3/ ℔ day some times more sometimes less —

x

W^s was exam^d on the guard house by Sergt Cur. and Sergt Wilson — & £1. 1. 10^p was found on him —

James Cox, Sergt Major of 24^t Regt the P^r & Beach are soldiers in that Regt none of them has ever been accused or found guilty of stealing — many of the soldiers, have to extent of £15. or £20 — That Character of Beach is that of an industrious man & never found him guilty of any dishonorable action as a soldier. —

Verdict. Not Guilty

The King v. Henry Abraham Joseph. } An Indictment for stealing privily from the shop, above the value of 5/ Sh —

Wm Mead, lives in S.L. Sub — is a furrier — W^s S. Davis furrier in Montreal, served his time w^t him as furrier

he carries on a considerable trade — Knows Mr Harrington Commission Mach^t. saw Caps in his window for sale went in and priced them, examined them — spoke to Harrington's Clerk — the Caps were low priced — Ws returned on 4th Jany last, in the mean time he had seen Mr Davis & told him he had some of his Caps for sale — Ws purchased 5 Caps of him of a superior quality for q^t he p^d 30/ each — they were worth 45/ — Some days after he saw more Caps in Harrington window, there were 2 Sea Seal Caps trad. for one q^t they asked 30/ for £27/6 for the other — The Ws asked Harrington the first time if these Caps were not of Mr Davis — H — said no, that he had purchased them at Auction — there was a gentleman present when he purchased the trad who had a cap of same quality who had purchased it from Davis — Seeing the Caps cheap asked H if he had not purchased them of Davis — H — s^d he had imported the Skins from the States and had employed women to make them up — Ws went to acquaint Davis of this — found his wife she asked 8½ dolls for similar Caps, not of so good a quality — Ws asked if she sold cheaper to others than to him — she s^d she had sold none to sell again this season — Ws s^d she had seen of her Caps at Harringtons, but she s^d it could not be her Caps — Ws s^d he was certain — Asked Davis as to the price of the Caps, he asked 9 dollars —

Ws

Wt. then sd. he had sold the Caps cheaper & that he had bot. them at H. — Davis went wt. Wt to see the Caps he had thus bought, & on seeing them he said he had been robbed — the wife of Davis said the same thing — On this a search warrant was obtained & they found another Cap at Harrington.

Wts bought bought in all Seven Caps from H. all South Sea Seal — the 2 caps now shew are part of them — believes the work to be that of Davis — qt he knows, as there is no body else who makes them in the same manner — it is not the usual manner — Went to H. on search warrt. & the Cap now produced was found, & Mr Davis claimed it as his property — The other Caps the Wt. sold — the fire he sold were superior to the two he now has —

Xd.

Has seen no Caps made in the same manner as those of Davis — Those Caps may have been made by another person than Davis — That in fall of the year it is general that a large quantity of Caps is sold That last fall a large quantity of S. Sea Caps were sold at Encan by Bernard & Larocque, & that some of them were sold at 28/ — saw a sale of Caps notified at Bedley & Knox's for sale —

Wt. pd. 30/ for 5 Caps he bot. at H's on 4 Jany. That H. may have sold Caps to auction for sale, did not suppose they were stolen —

John Harrington — lives in S Paul Street, buys & sells on commission — Wm. Pr — who last fall called on him & brot. South Sea Seal Caps — for sale — the number was kept in his books by his Clerk — The Pr stopt for a day or two at Town of W — for a day or two — desired to come to the Shop — Pr. at first brot. 3 South Seal Caps & two common ones — he limited the S. Sea Caps at 25/ p dozen — Wm. Mr Mead, has seen him in his store — does not recollect having sold Caps to the last Witness that he asked the price of the Caps. The Caps he got from a Jew by means of the Pr & that he said, he had manufactured them — & wanted Wm to sell them on Commission — Witness cannot read or write — Desired his clerk, when the Pr brot caps for sale to enter them in the book & the name of the person who brot them —

x^d. —

The Caps were brot to his shop in the day time by Pr

James Coney — was book keeper to last Wm — has seen the Pr come to the Store often — he gave caps to sell on Commission, & Wm was directed to keep an acct of the Caps he rec^d — In looking at the book now shewn — there is an acct there of the Caps he rec^d from the Pr — amounting in all to 22 Caps — £22. 10. 1/p which he rec^d. from Harrington — Could not make out the name of the Pr from the receipts — did not enter his name in the book.

he

he asked his name once, but as he was speaking wth Mr Harrington, he did not get it —
The Cap he now examines is one of those brot. to the Shop of Harrington by P^r — When the Search wasn^t. came there was only one Cap found at H.'s the price of which was limited at 10/ — The P^r. said that he made the Caps himself — that he lived near the Bishop's Church — Has not p^d P^r. for the two last Caps sold to Mead, for 11 dollars —

Has been about 14 months in Harrington's service — The Caps were brot. to H's in open day —

Samuel Davies, lives in Montreal for 19 a 20 years, & is a furrier — Ks P^r. who is his brother in law — Mr has a store in St Paul Street, but his dwelling house is near Bon Secours — his stock is large — makes to extent of some 1000 Caps in the year — found the S. Sea Caps sell very readily — Mr made the two Cap now produced, — Mr. Hays at home — his wife attends the Shop — Mr. could not miss any Caps out of his store — when Mead came to tell him that he had purchased some of his S. Sea Caps at 5 1/2 & 6 dollars — he was surprized, as he d^d he never sold his Caps at that price — & if he would not get his price he kept it — Mead would not convince the Mr that he had purchased his Caps at 5 1/2 dollars — went along w^r Mead to his Shop — when he recognized the Cap shewn him to be his property

he

he got a search warrant & went to Harrington's Shop — saw on left side of wall full of Caps & picked out the Cap he claimed & knew to be his property — He then told the Clerk he had been robbed & he had been selling his Caps the Clerk shewed the book saying they had sold a good man Caps — & shewed a receipt but the Witk. could not make out the name but the Clerk sd. it was Joseph Henry — The Clerk sd. the man will be here to day for the money of two Caps, & he wd. shew him to Wk. — On examining the receipt & sale at the Store — Wk found he had send 275 Caps to the Shop, and after some time Mrs Davis said that a great many were missing to extent of 63 South Sea seal — one Russia lamb — 3 Pecans — 14 de Jennette the South Sea Caps were worth 10 dollars each — the Jennet 12/6 — the Russia lamb cap 20/ the 3 Fishers 35/ each — there were more than one Russia lamb skin missing & found more in the book of H — When he saw Pr. at Police office, he had no conversation wt. him — The Pr. boarded at house of Witk from 2 Novr. last & left it 3 days before he was arrested — The Pr. could get the key of the Store whenever he wanted it — & the Witk could not have missed what was taken until the Spring of the year when he takes an acct. of his property — would know his caps among a thousand and could tell them immediately.

X

He made a large quantity of Caps and sold a great quantity in course of last fall –
He never sold S.S. Caps at the prices stated by Harrington nor for less than 10 dollr – He took a quantity of Caps down to Quebec last fall –

There are no such Caps as his made in town – Never employed Pr as his agent –

Wm Irvine. made a great quantity of peaks for Davis. Lou looking at the peaks on the Caps now shown recognizes two of them, the other he does not, that he has not made the same kind of peaks of the same pattern for any other person but Mr Davis –

Has cut peaks for Mr Tenton, but not of same pattern but for 2 years he has made none of the kind now exhibited for any but Mr Davis –

Wm J. Demont – lives in Montreal, Ks. Pr he has called at the store where Ws. lodges – has seen him come to buy snuff – a person came there once wt 2 caps for sale & he now knows it was the Pr – wished leave to leave them there till he called for them – this was in Decr a Jany last –

Jane Harrison, lives in St Paul Street – Ks Pr remember having seen him in her house last fall she keeps a lodging house – remembers – he

brot

a fur cap at one time, and two caps at another time — Cannot say what kind of caps they were — asked permission to leave the caps till he should call for them — one of the Caps remained in the house about 2 hours the other two till next day —

Emilie Parent, is in service of Saml Davis for two years she lives at the Store — Ks Pr he came some times to the Store — he was not employed by Mr Davis —

John McGowan — he purchased a cap last fall from John Harrington — & paid 30/ — does not the value of the Cap —

Samuel Davies — on looking at Cap deposited by the last Wk — says it is one of his, was made by him — says it is worth 9 dollars —

The peak of this cap not same as the others —

Julien Martineau, went wt a search warrant to house Harrington & found the Cap now produced, and knows the two found at Meads — which are here produced —

James Coney produced again — The Pr came to house

of

of Harrington on the Saturday evening
Mr. acquainted Debsle wt. it, & he sent a constable
who arrested him & brot him up to the police
office — The Pr. is the man —

Defence —

Frank Menestier de Morechon — is clerk in the
employ of Laroque Bernard & Co — they had
a large consignment of fur caps for sale last
year of all kinds — There were 4 a 5 000 of
S. Sea Seal — & sold 25 at a time — & were all
sold — they brot. 6 3/4 dollars — & at inferior prices.
Some of the inferior quality were sold at 15 3/4
they were of a better quality than the fur of those
now shewn —

Similar Caps made up here were sold dearer

Benjamin Gold — is clerk of Begly & Knox — Knows
S. Davis, furrier — last fall he sent some Caps
there for sale — the Pr. brot them there — & Davis
came afterwards & settled the business — & they were
delivered back to a young woman for Davis —
That caps of a similar description wt. that now
shewn have been sold by Begly & Knox —

John E. Mills, merchᵗ. in Montreal – Ks. Davis he would not believe him on his oath from what he has of his character –

has had no transactions wᵗ. Davis for 8 or 9 years – he may have reformed since that time, but that he knows him for a great scoundrel –

Thos Alexander Begly – merchᵗ. in Montreal, carries on an auctioneer establishment – last fall the Pʳ. brot. some fur caps for sale – that Davis afterwards settled the business w them –

Moses Davis. Ks S. Davis, is his brother – would not in all cases believe him on oath, if he had any object in view –

Davis will take a false oath if it were only to be revenged on another person – Knows of no quarrel the Sᵈ Davies has agᵗ. the Pʳ –

Prime Giroux. Ks. the pro family – they are a respectable family – until lately he always considered the Pʳ. as an honest man –

Solomon Benjamin, Ks Pʳ – & his family – he is of a good family – his character until accused here always

been

been good –

Verdict. Not Guilty

Wednesday 5th March 1834

Presd.

Ch. Justice Reed

Mr Justice Pyke.

The King.
vs
Emanuel Firmin } On Indictment for Burglary –

Godefroy Foretier, lives at Sorel Sadler, on the first January last the Pr. lived on the opposite the Wrp on other side the street – house of Wr is wood – of one Story – 3 windows & a door in back part, there are also windows in the front & two doors – Wr had money both in paper & silver in a Cassette in his Cupboard in his Salle – cassette about 1 foot large & foot & hf long – there were several Montreal bank Notes to extent of about 17 or 18 of 5 f each – three or 4 of 10 f – there were also 7 or 8 of five dollars – he had also 3 or 4 bills of the City Bank – also 2 or 3 of the Quebec Bank of 5 f each – he had 30 Sols – to extent of

15

15 or 20 — More than 30 Am. hf. dollars — some Spanish dollars — there were about 15 or 18 French Crowns — there were about 60 or 70 hf Crowns — all which was in his box or trunk on top of a buffet, about 6 feet high —

Wr was intimate wt Pr — who came frequently to his house — he had invited Wr to go & spend the evening of the New Yearsday wt him. — The Wr dwelt & slept in house where his money was — and before going out, he shut up all his house and the window gt was broken open was shut, but the shutter was not shut — the other persons of the house had all gone out & the Wr was the last who left it, & shut up every p lace, and he then observed that his trunk in gt the money was, was there also — Went to Prs wt his wife — there was one Hurteau & his wife, one Oliver Rageot one St Renaud — besides Prs wife & servant girl — They supped there — & amused themselves during the evend — in the course of the evend the Pr went out once & came back soon — he went out a second time about 8 o'Clock or hf past 8 — he was absent between 1/4 & 1/2 hour — he had sufficient time to have gone to house of Wr & to go in & come back — Some one observed that Pr was gone — his girl observed, that he was gone out to get wood for the fire — it was not then cold

&

& the Chimney was hf full of wood — This appeared some what singular — The Wit & his wife, Richer & his wife & Rageot went wt Wr they found the door locked, he opened it & went in, but before lights a Candle he felt that a window had been opened, & on further exn found that a pane of glass broken near the bolt, so that it was easy to raise the bolt — on the floor there were pieces of the glass in the room — the trunk & money was gone — the bolt above had slept out by forcing the window — all the other doors & windows remained shut as when he left the house in the wend on going to Pry Wr went to Pry There was blood on the trunk, when found, wit met Pr at Corner of his house & told him that his house had been broken & his trunk stolen the Pr & P his stable had been broken open three padlocks broken & 3 turkies stolen — Richer & Rageot were wt Wr The Pr went to his house with Richer — & when Richer came back. Wr went to Crebassa's the Justice, & got a search warrant Triganne the bailiff went to Pry & Wit remained out side — and they then went to hayloft in Stable of the Pr to search — The Wit went into the hayloft, where he found his trunk near the

further

further end of the loft covered with a little hay — he carried it to Mr Crebassa — where the contents were examd — it had not been opened — Wt had the key, & opened it, and found all his money, being 136 dollars less 4 sols —

That he had counted his money the evening before — & found it as above stated & had spent nothing before it was stolen —

The trunk now shewn is the one he lost. & in which his money was —

There are marks of blood still to be seen on the Cassette — And on his return from Crebassa's Wit observed that the Pns hand had been cut, & that there was blood on it The Pr S. he had done it with the poker —

The Wit — was at stable of Pr — but found nothing broken there —

x^d —

There were three men left to take charge of the Pr in his house — The Pr took the poker and threatened the Wt on this he went out and went to the magistrates for a warrant —

The Pr had allowed the Wit to put some hay in the hay loft, but it belonged to the Pr

Augustin Richer, lives at Sorel — ks Pr who lives there also — on the opposite side of the street — was

was at Fortier's on New Years day - he had been invited by the Pr to pass the evening wt him - went then from Fortier's about ½ past 3 o'clock - On going out from Fortier's house, Fortier shut up the house & locked the door - There were 8 or 10 persons in all at the Pr's including Pr's wife and servant girl - The Pr went out twice in the even[g] - The first about 7 3/4 o'clk, but was not long gone - the second time he went out, he was gone about a ½ hour, had ample time to go across the street to house of Fortier - Before he went out the 2d time the persons began to talk of going away, after he had been out some time, it was remarked that Pr was gone, when the servt girl said he had gone for wood - but there was wood - We supposed returned to Fortier's wt him & his wife, & Fortier opened the door, & they perceived there was an air in the house as proceeds from some fire, a candle was lighted, & they found the Cassette had been stolen & the house broken open - there were panes of glass broken in a window, & the bolt lifted & the copper bolt had been forced as it was bent - saw some pieces of glass inside on the floor - We then returned to Pr's wt Fortier, met Pr at his door. Fortier told Pr that his house had been broken open and his money stolen - the Pr said they had broken open the door of his stable

the

the cramps forced, and two ~~trunks~~ turkies
stolen — Wr. went to the stable, the Pr. had
a lanthorn — the stable door did not appear
to have been forced, as the Pr. opened it with
the key — P. shewed the place where he said
the turkies had been placed — Turkies might
have been kept there — The Wits proposed
to go up to the hay loft & got on the ladder, the Pr. was opposed
to this, saying no body should go there — The
Candle was extinguished & Wr came down
& went back to the house — he suspected the
Pr. and they arrested the Pr. saying that
they should take care of each other until
the trunk should be found, & persons were
left in the house of Pr. to watch there — they
got a warrant & made a search in the hay
loft & Foretier went up there. he came down
in a few minutes wr Trigame wh the box
here shewn — it was locked, & was opened
by Foretier who opened it wh the key gt.
he had — Foretier declared the money he had
in the trunk before opened, and on opening
it & counting the money, it was found
correct — Observed that the Pr. right hand
was cut — it bled — there was blood on the
trunk when found — The P. said he had

done

done that by some meat — to another he said that he had cut his hand by taking hold of the poker —

That Foretier is brother in law of Mr. The wife of Mr. was with him at Pr. That there is a well in Foretier's premises, where the neighbours take water, & which is open at all hours night and day —

That he rem. that the Servt. girl called to the Pr. to go & get some dry wood to light the fire on this the Pr. went out the 2d time — about a 1/4 after he had been gone, the Ws. & several others went away, & on going out they ~~met the Pr. coming from towards his outhouses~~ did not see the Pr. In going by the broken window, the trunk was in the 2d room from it — On finding house broken & trunk gone they returned to Prs. & met the Pr. at the Corner of his house, where Foretier told him that ~~the~~ his money had been stolen —

Olivier Rageot, Ks. Godefroi Foretier at Sorel — Ks. Pr. who lives on the opposite side the street — Was at Prs. on New Years day in afternoon, was invited to go & sup at his house — Went first to Foretiers, & went wt. him to Prs. Foretier was the last who came out of his house & shut it up — Ks. that Foretier used to keep his money in a Cassette on the top of a Cupboard

They were about 8 or 10 persons in all at the Pr. The Pr. went out twice that evening, the first time a little after 7 o'Clock, the first time he was out 8 or 9 minutes — he went out a second time & remained out about 1/2 hour — Some one asked where he was gone — the girl said he was gone out for wood to make up the fire — There was wood at the time in the Chimney — As the Pr. did not return, they went away — Mr. Riche dux. & Fortier & his wife — they came to Fortier's house, who took his key & opened the door — & immediately feeling the air cool Fortier called out that his house had been broken open — the Candle was lighted — & he observed that some one had broken a pane of glass near to the lower bolt, and the upper bolt had given way — the window was forced & 6 or 7 panes of glass broken — the Cassette with the money was gone — They then went to the Pr. they met him at the corner of his own house wt. some wood — Fortier told him that his house had been broken open and his money stolen — Pr. 6 his stable had been forced open & some turkies taken — That Richer went wt. Pr. go to the stable but took remained in the house — to take care of the persons of the house wt. one Thomas & one Hurtian — Fortier & Richer went

to

to the Magistrates, & returned with a warrant. The Pr struck one of the Persons in the house wr the poker — Ws went to the Stable of Pr with Tiganne & the others — Foretier & some others soon returned with the trunk —

The Wits perceived that the Pr had his hand cut — & that there was blood on the Cassette, which was yet fresh — the girl asked Pr how he had cut his hand — he said it was upon some meat. That Pr afterwards said it was done with the poker — Observed that the Prs hand was cut before he took up the poker to strike with it — That they all left Prs house except Huiteau & his wife, who remained in Prs house, ~~when the~~ —

Met the Pr at the Corner of his house wr an armsful of wood, as they came back from Foretiers —

When the Pr struck Thouin, there was no warrt agt the Pr — That Richer ordered the parons on the part of the King to guard the Pr & if he went out any where to go with him —

Pr s. at first it was his padlock that was broken & when it was found whole — he said it was his Cramp —

Pierre Thouin — was at Foretiers on evens of New Year — That the girl of the Pr came to house of Mr & told him that Foretier had been robbed, & requested Mr to come to the house, ~~as~~ that if he would go up to the

Loft

hay loft of the stable he would find the thief or the robber — this was between 8 & 9 O'Clock — the girl lives w^e P^r — she is from St Francois — That Fortier came to W^s house & requested him to come to P^r and directed him to remain there until they could get a warrant W^s went to P^r who told him that he had had 3 turkies stolen, his cramps forced out, & his padlocks forced — The Wrts asked of P to shew the Cadenat, he shewed it — & observed that the hand of P^r was full of blood — The key did not answer — went to the stable with the P^r but found nothing appeared to have been forced — they returned to the house — The Girl then said — are they watch^g you here? — the P^r made same question — the W^s S. they were all here to watch each other until a warrant is obtained — the P^r took the poker and struck him twice w^t it, he took up a fire iron to strike him again, but wife of P^r laid hold of iron & W^s went out — at door he saw Hurteau, & Thibeau & afterwards the W^s & soon after the warrant arrived —

Pierre Hurteau, lives at Sorel — was one of the party at the P^rs on 1^r Jany last — ~~did no~~ they supped at P^rs — in the evens the P^r went out twice — first time about 7 o'clk & came in soon after — went out

a

a second time — he had remained out about 10 minutes when it was demanded of the servant girl where he was gone — she sd he had gone to get dry wood to light the fire — did not hear any demand made for wood before this — When the Pr came back the 2d time all were gone except Wm and his wife — Foretier came in nearly at the same time, & observed that his money had been stolen & his house broken open — Wm observed that the Prs right hand was cut & bled a good deal — was commanded by bailiff to search — and in the stable loft the Cassette now shewn was found — there was blood on it quite fresh —

x

Before Foretier came into Prs house, the Pr said his stable had been forced open & 3 turkies stolen — immediately on this Mr Foretier came in, & stated that he had lost his money —

When the Pr went out the first time, he staid out longer out than he did when he went out the second time —

Pr Trigarne — bailiff & lives at Sorel, was called on evening of new years day about 9 O'Clock — Foretier obtd a warrant & went to house of Pr & directed 3 men to take charge of Pr during the search — That Foretier, Richer & Hurtzan went along wt him to Pr he got the key from the Pr opened the padlock & Foretier went up to the loft where

he

he brought down the trunk - saying he had found it - there was blood on the trunk - observed that the Pr. had his hand cut - carried ~~money to~~ the trunk & money to Malo. - the money was counted at the Magistrates. -

Louis Malo. Constable - recd. from Tiganne on the 25 feby last. the trunk & money now produced -

33.19.80

Defence. -

The Prisoner addressed the Jury on his defence

Marie Grondin - has been in the Prs service upwards of six years - he has a property at Three Rivers Ws has lived there 4 years w Pr. & two years at Sorel - was wt him on 1st Jany last - when he gave a party - that Fortier & his wife came to Prs to ask him to go to their house - They sat down to table, there were several persons eleven in all - The Pr. went out about 9 o'clk & was absent about 1/4 hour - he went out a second time, but it was at the request of the Ws to get wood to make a fire, as the women & children complained of being cold - The Pr. was not absent on this occasion above 9 minutes he came in wt wood & made up the fire - some of the men said it was not necessary to make fire, it was not cold - but they had been drinking.

The

The Pr was not much disposed for the fricot, but the wife of the Pr wished it — W observed she wished to get her friends, but she had asked her enemies —

Before Pr came back W wood the persons had gone away — that Foster came in almost immediately & said My Dr Bramel I have lost my money — the Pr then said he had been robbed also, & asked W. if she had shut the stable door she said she had — That then Reiher came in & directed persons in the Kings name to take charge of the Pr and Pr did not go out afterwards — That some difficulty occurred between Pr & the persons in house —

That it was on laying hold of the poker, that he had torn his hand, asked a rag from W to tie it up — the stone pan is old & broken. & he hit off it — W bound up his hand —

It was impossible, that in the short time the Pr was absent that he could have stolen the trunk & put it in the stable & returned to the house — Went to see the broken window, it would have required an axe to break it as it was —

She went to Thomin to talk him to come to Pr but he refused, saying he had no right to do —

The persons sent on that occasion were mostly in liquor —

That she told Thomin, if he would look

look in the hay loft he might find the money or the sheep, as she had a little before seen some one run from under the Remise where the trunk was found — & this induced she Wd. to tell Thouin to look there —

Considers Pr. to be a very honest man — & she knows him to be industrious & to have a good deal of money at times —

+

When she came in, they were singing, and when the song was done, she told the Pr. what she had seen of the man in the Yard —

The Pr. took the key of the Cadenat to get the Drywood, as it was kept there —

Julien Perrault, knows Pr. for four years — he had an order from Mr Niverville of Three Rivers on Wits for 35 or 40 dollars, qt. he delivered him, & qt. he presumes was paid —

Knows that Pr. usually dealt in fish & pork —

Ulrick Boudreau — Has known Pr. for 10 years & every transaction he has had with him he has always behaved honestly — Thinks that Pr. returned 2 or 3 yds. linen qt. had been put up in his bundle of article he had bought —

Verdict. Guilty. —

Thursday 6th March 1834

Prest.
Ch. Justice Reid
Mr Justice Uniache.

The King
vs.
James Donlevey
&
Ellen Donlevey

On Indictment for an assault with intent to murder —

Alexander Busby — In the fall of last year he engaged Defdts as servants — they behaved well for a month or two — but afterwards they changed conduct Wm remonstrated wt them — & at length dismissed them, but they refused to go, unless they were paid to 1st May — On 9th Febr the Defndt got drunk & his wife told Wm that he was dangerous when drunk — on 16th Febr he ordered Defdt to tackle his horse — wanted to go out — Wm advised him to be more careful than he had been the Sunday before Defdt went out & remained out for several hours — on Wm coming down Sub. he saw Defdt in the street & beckoned to him to come home — told Defdt he had lost a harness bell & he ought to pay it — Wm went & changed his cloaths, — ~~Defdt~~ represented to him that he was obliged to do his work, & was taking the harness from him he pushed it suddenly in the

face

face wt. it & when he took it, he pushed the Defendt. when he fell among some bottles, yt. occasioned the wife of Defdt. to come up, and took up the brush of a wheel and threatened to split his head open wt. it — the Wr. took it from her — and requested her to go down stairs, as he had business only wt. the her husband — she swore that if her husband did not get up immediately & beat Wr. she wd. murder him — on this the Defdt. and his wife laid hold of him and beat him — he closed in upon Defdt. who wanted to get a stick — while he was thus employed the woman came behind Wr. with an iron hems & wounded him on the head in several places & left marks which he will always bear. on this his servants came up and rescued him — a Medical man was sent for who still attends him —

x—

Met Pr. who were strangers to him, & took them into his service. —

When the woman came up stairs, the man was sitting on a trunk — That when the man pushed the harness in his face. the Wr. took the harness & pushed the Pr. wt. it, so that being in liquor the he fell down

Elizabeth House, lives in Mr Burbys house — saw

nothg

north of this post, saw B. when he came down from the garret, his head & shoulders were covered with blood, when the Dr came she observed two large cuts on the head — saw the 2 Prs the man had a stick in his hand — not a large stick — the Pr was bloody, the woman s^d she would shew she was an Irish woman, it was not a man who had done it was a woman — Mrs B. was confined to his room for 14 days —

Believes that the Pr was in liquor — that Mr Burby is a little hasty at times —

Anne Lee — lives in D. Lane — went to Burby's after this affair was over, saw his head badly cut in 2 or 3 places — Boy & mans saw the Pr the woman said she did not care what she had done but if she met Burby in the street she would do as much again —

William Lee — was sent for & saw Mr Burby covered with blood, his head wounded — saw Pr afterwards. The man said he wd go back & have another round & flourishing a stick at the time — advised him to retire — Mrs Mrs B. was confined to his room —

John Richardson — on 16 Febry. he saw the Pr who was jumping about in the street, he had a stick in his hand this was the stick he had been beat wth & would

would have his revenge —

Wm Primrose Smith, Surgeon, was called on 16 ptr last to go & see Mr Busby — saw wounds on his head, yt he thinks were inflicted with a stick — he had a severe contusion on the arm & two contusions on the head

Defence. —

Mary Barnett — Is Mr Busby's house keeper — was there when he looks Prs into his service & remained there until this quarrel — there were several misunderstandings between them & Mr Busby — has heard Mr Busby threaten them, that if he did not do their duty he would turn them out, & would kick him —

The Pr went out on 16th & returned was then a little in liquor — went out a second time & came back much in liquor —

Alexr Busby — brd up again — cannot say whether the Prs intended to murder him, but thinks this was the intention of the female pr —

Alexr Delisle — That the Pr applied to him for a warrt agt Mr Busby for an assault & battery about the same time —

Wm

Wm Burns, ks parties, has heard Mr Burly threaten the Prs to ill-use them — Mr B. is sometimes violent —

Verdict Guilty of simple assault

The King
v
Hugh Tracey } On Indictment for an assault wt intent to murder —

Jeremie Rochon lived in Nov. last at Beauharnois on the 6t of that month he was at Daigneau's where several persons came to amuse themselves — the Pr was wt them — asked for a fiddle to dance — woman of house objected to it as her husband was not there — Wr was sent for him — he came — Wr worked in the shop till 9 o'Clock — he danced wt the others — the party was almost all in liquor — one of them who was dancing falling agt Wr he pushed him off when he gave Wr a blow — but this was settled — Continued till after ten o'Clock, when the Pr had a dispute with another person in the room who was dancing with the rest — the Pr kicked him, and the young man cried — on this the Wr laid hold of Pr quietly and pushed him and made him sit down, the Pr made no resistance — Wr retired into another room, when the trouble began again, & coming thro' the hall he

saw

saw pr or 5 of them persons talking together
when one of them struck him — & the Pr with
a Candlestick gave the Pr ~~struck~~ a blow on
the head by throwing the Candlestick at him
which wounded him the bled very much.
he went up stairs locked his door & went to
bed — That while there some person came and
beat him much in bed on his legs & arms
so that he fell into a kind of paralisis —
That five pieces of bone came out of the wound
on the head — The Pr remained senseless
for some time — & was about six weeks that
he had not the use of his speech —

X

There were 8 men belonging to the boat &
3 or 4 young men joined the party afterwards.

Catherine Roi lives at Beauharnois — on event. of
6 Nov. last a number of persons the Pr came
to her house from on board a boat — they asked
for a room — they then asked for a violin —
they got a fiddler — the party danced — Rochon
came in about 9 o'clk & joined the party &
danced with them — The Pr had some difficulty
with a young man — she made him sit down
quietly — she went to her room — she was at the
door when she saw one of the boatmen struck

Rochon

Rochon — quickness was restored, but she heard a baron broken, does not know whether it was thrown or not — immediately on hearing the bowl break she saw Rochon covered wt blood — The Wife made him retire — he went upstairs to bed — The Pr came to kitchen took up a stone dish and went up to the garret — The Wife wanted to get her dish — he left it — he came down again & went into another room — & threw down one of her Couchettes — Wr laid hold of Pr she went down stairs — came up again & found the Pr wt a piece of the door beating the Pr who was lying on the floor, and the Pr striking him — the Wr interfered and got him down stairs — they sent for Dr Masson — as the Sd Rochon was covered with blood — he remained two days after at the house of Wr — and he has suffered much since —

Luc Hyacinthe Masson, Surgeon — lives at Beauharnois in the night between 6 & 7 Novr last he was called to one Daymans to see one Rochon then who was said to have been almost killed — he found Rochon in a state of insensibility and covered with blood — one side of the face much swollen — & much extravasated blood on that side he found a wound on left side of the head

about

about 2 inches long — and found on examin there was a fracture of the bone, & he could feel the pulsation of the brain — there was a great discharge of blood from some interior part — As Rochon was in an insensible state, the W. sd it was necessary that some operation should be performed — some of boatmen insulted the W. & sd that Rochon did not need a Doctor on this the W. sd that if they knew better than he would leave them to treat Rochon & went away — About 3 o'clk was sent for again, found Rochon had come to his senses & told him that it was necessary that an operation should be performed to relieve him as there was a fracture of the bone — he sd he was too weak & requested of W. to stop the blood — the W. saw the danger if the blood was not stopt — he brot the wound together & stopt the hemmorage — the lips of the wound closing together a circle of blood had formed there — afraid of inflammation he forbid Rochon using any spirituous liquors. Dr. Lacroix was sent for some days after, who agreed in the treatment given by W. — That the lump formed on the wound began to discharge blood, & afterwards matter was formed in it — on this Rochon fell into parallisis, particularly on that side where the wound on the head was — Rochon still remains under difficulty of speech.

Defence.

William Collins. Ks. Pr. That one Campbell the master of the boat, requested of Mr to take charge of his boat, as he & the Pr had had a quarrel at Beauharnois & he was afraid to take charge of it, as he heard the man was dead — That he Campbell had thrown a bottle at him & the Pr had beat the man with a stick —

Verdict. of simple assault.

The King
v.
Franc. Xavier Leclaire
George Rolland
Charles Laplante
Jn Bte Laviolette —

On Indictment for stealing privily from the person —

Patrick Campbell Huse — lives in Stansfield on the 11 feb last he was on the new market had his purse in his waistcoat pocket — he had 23 dollars in all — 21 dollars in Montreal Bank and Specie, he had also a bill on Plattsburg bank — there was a piece of 6 livres, a french piece of the value of 6 livres 5/ — two five dollars of Montreal Bank, one 2 dollar bill — & one of one dollar — there were 2 Sp. dollars one American ~~Sp.~~ hf dollar — & some french hf Crowns — thinks in all he had eight dollars in all in Coin —

about eleven O'Clock he was going from the new market to Mr Willards, when he was met by four, speaks to Leclaire & Rolland as two of them, does not know the others — one of these two, asked Wr if he wished to buy a tickf — the Sd nothing had scarcely time to speak — one laid hold of the arm & the other laid hold of the other side & he felt a hand in his pocket — they ran off all four, and he then found his purse was gone. A few minutes before he found his purse was in his pocket, & a few minutes after they left him he found it gone —

That he pursued after Rolland, and requested of him to return his money, he said he had it not — one Wm Collins said that Pr had it, and it must be returned — Wr requested the assistance of Wm Collins — he described the persons, & Collins Sd he believed he knew them — They then pursued after the Prs in a train — they went to the Cross Collins told Wr to stand by the side of the Street — & soon after Collins Wrt all the 4 back — & when he Wrt them up the Wr knew Leclaire — That they went to another house, when after some conversation ~~Rolland~~ Leclaire threw some money on the table, yts Wr knew to be his — there was paper money thrown down — but cannot say of what Bank — but

then

there was a small notch in the ten penny piece the piece of 6 francs he had had in his possession for a length of time, & it was familiar to him — thinks there was one of the Spanish dollars that had a hole in it — The other prisoners were present at the time — that Rolland also threw down a few pieces — That Rolland wanted to make his escape and eventually did escape. has never seen the purse since —

x

Never saw the Pns before — his mind was much confused —

William Collins — lives in Montreal, rem. having seen the last Wk near the water side, he was crying he had Geo. Rolland w. him & he accused him & 3 others of having stolen his money — requested of Wr to assist him — on this Wr. requested of Rolland if he had the money to give it up — on this Rolland sd that he had it not but had seen Leclaire w. the last Wk — on this Rolland went away — on this he took a train, went in pursuit and came up with the four Pns who were walking downwards below the Cross — came up where the ship can building — That Leclaire took something like bills out of his pocket as if to throw them away — sd he did not mean to do it — They went into Mad. Curries, where Rolland took out 3 pieces of 2/9 & threw them on

the

the table, saying he did not want to be hanged
That Leclaire produced a two dollar bill,
a one dollar bill, a piece of 6 livres & some
silver — the old man was there & on seeing the
piece of 6th it was his money — That on this
Rolland Sd. if they would give go wh. him to
his sisters he would give the whole money
rather than have any trouble — That it was
upon Rollands saying to Leclaire to give up
the money, that Leclaire produced the above
money — He arrested the three Prs Rolland
escaped — and was afterwards taken —
The money was brot. to the police office by
Lavictoire —

&

Rolland did not confess being concerned
in the taking the money, & said that he would
rather give 50 dollars than be taken up with
these men — but advised Leclaire if he had
the money to give it up — That he took out
the three pieces, saying all the money I have
got I will give up — he denied having taken
the money — that he had seen Leclaire with
the old man — That about hp an hour before
he had seen the 4 pm together —

Barnaby Lavictoire, went in company wh Collins in
search of Prs L Hun — they went down the
Quebec

Quebec Sub. & saw the 4 Pr. before them — one Couvrette was wt. Mr. & Collins — they came up wt. Pr. when Collins Sd. to Leclaire to restore this ~~money~~ man his money — he threw one bill of 10/ one of 5/ — a ten penny piece a Sp. dollar — is not positive as to the 6 franc piece — but the old man claimed the money as his — That Rolland Sd. to Leclaire, give up the money if you have got it as it is a case that may hang you — That Rolland threw down four pieces of ~~money~~ 2/9 on table & addressed Leclaire as above — the other two said little — The 4 prisoners were then arrested —

brot the money to Malo —

recognizes the money he had from each of them —

That when Rolland threw the money the table saying it was his own money, come to my sisters I would rather restore the whole money than be taken up with these persons — he seemed to be afraid, and cried —

That Leclaire also said, it was not the money of the man, that he was giving up, when he threw down what money he had

Franc. Couvrette, went wt. the two other witnesses to the foot of the Current in pursuit of the Pr. and came up with them near Mr. Young's — the old man was with them — That Rolland threw 4 pieces of 2/9 on the table & addressed Leclaire

saying

saying give up the man's money if you have it, and on this Leclaire produced some bills a 6d twice price & some pieces of money saying he gave all the money he had, without saying it belonged to the old man —

+

That Leclaire said he had not the man's money but gave up the money he had —

Louis Malo, constable says that he received from the Wits Lavictoire the money now produced amounts to £2.9.1 wh he sd he had ~~taken~~ received ~~when~~ from the Pr Rolland & Leclaire — & has remained in his possession ever since — The three Pr were brot up at same time Rolland surrendered himself afterwards —

Patk Campbell Hurse — Ko he had similar bank bills of 2 & 1 dollar — knows 6th frame piece — as the one he had — knows the piece of 10d to be his and the Spanish dollar wt a hole in it, & believes it to be his —

Defence —

Germain Rolland brother of Pr — knows that the evening before the robbery in question he had ~~three~~ ~~twelve~~ pieces of 2/9 — in his possession — The Pr also worked for

Mr

Wr

Denis Laberge. Esq. Ks the family of Pr Leclaire for several years they are respectable people –

Michel Leclaire, father of Pr that on the morns of the 11th Febry last, he gave the Pr two bills of five bills of 5 dollars each – This was the same day

Verdict. Guilty of Gr. Larceny agt Leclerc & Rolland – and not Guilty agt Laplante & Laviolette, not Guilty

Friday 7th March 1834

Prest
Ch. Justice Reid
Mr Justice Pyke –

The King
Cecilia vs Graham
Bridget Clemens } On Indictment for Burglary

John Flannagan, lives in St L. Sub. has a shop there, & had it in January last – he used to sleep there except about 3 days before the robbery, since there has always

always some one sleeping there — about 14 days or 3 weeks before Christmas, his shop was broken open he had remained there till about 3 o'clock in the morning — ~~he was told that~~ when he left the shop he shut it up & locked it — he was informed the shop had been broken open — he went back there in the morns. he saw the lock forced off the outer door the inner door forced open & many of his goods carried away — Wm went to the watch house to enquire — in the afternoon he heard that persons had been taken up at Harringtons for selling goods under value — saw some of his goods at the police office —

John Harrington. Ko the Pr Ks Budget Clemens for 2 years — in Decr. last Clemens offered a piece of grey cotton for sale — she was selling this cotton at an under value — told Mrs Flannigan of it — Mrs F. gave a description of the Cotton from its damaged appearance — Mrs F. came in & claimed the Cotton as hers, by this time the other Pr had come in, and Clements said that Cecilia Graham had given it to her for sale, & Cecilia Grahame ~~said she had got it~~ claimed it as her own & took it & put it under her cloak on this the Wm sent for the Constable — values the Cotton at 5 ℔ ℔ —

Mary Harrington wife of last Wm — keeps a store and tavern

tavern — saw Pr in Decr last, — saw Pr Clements who offered a piece of Cotton for sale — sd her husband had lost a piece of Cotton & it might belong to him without knowing it — she asked 3 coppers a yard for it and this not being the value of it, she took it, and asked her where she had it — she sd she had it of a man who came from Quebec — afterwards that she bot it in a store in St Paul's Street — on the Wr refused to deliver it up — & on this she went out & bot in the other Pr — saying this is the woman from whom she bought it — the Pr Grahame claimed it as hers — & sd she would compel her to give it up, & bot in the Constable, when the Wr delivered up the Cotton to the Pr Grahame — The husband of Wr went for the Constable Delerle and when ~~Delerle~~ Mrs Flannagan & her husband came & asked where the Cotton was. Grahame sd the Constable had it, but she had it under her cloak, where it was found —

Says the Prs were not xd together when she first saw the Prs —

Elizabeth Flannagan, she attends to her husbands store, more than her husband — knows the prices better — her shop was broken open in Decr last — she went there — she recognized the piece of cotton that Harrington came to tell her that a woman had offered Cotton at an under price for sale, she had described the Cotton she had lost — she went

to

to Harrington, saw the Pr there, she knew the cotton to be hers, the Pr Grahame took it & tore a part with her teeth, & said it was her property — Wr produces a part of the other half of same piece, and knows it from that — she sold it at 4 ℔ yd — & if not damaged it would be worth 6d — Both prisn claimed the cotton as their property — She sent her husband for Deluth, who took the Pr into custody —

John Flannagan, says the cotton now produced is the same as that stolen, as far as he believes —

Catherine Burns — keeps a tavern, Wr Pr saw the Pr Grahame at her house in Decr last, between 8 & 9 PM — she had a piece of calliwe & a waistcoat, & a small piece of white cotton — asked Wr if she would give her something either in money or otherwise to get her a breakfast for the goods — Wr gave her to value of 1/5 in bread & money — asked of Pr to sell her the waistcoat, she sd no it was her husband's — heard of Flannagan's robbery in the afternoon of same day & Flannagan having sd he would identify the waistcoat he had lost — she sent for Flannagan — he mentioned having lost a piece of yellow print calliwe & some white cotton but could swear to the waistcoat — and on

comparing

comparing the goods & knows them to be part of the same stolen — she gave them up to Flannagan, — Mrs Flannagan told Ms to go to Gaol & see Prs to endeavour to find out other goods —
Values the yellow calicoe at 6d ⅌ yard —

Elizabeth Flannagan believes the piece of Calico produced by last Wk to be her property — she used to see them in her shop, & knows them, gave the description of it to Mrs Burns before she saw it — values it at 6½ ⅌ yd — values the waistcoat at 5/ — these articles were delivered by her & her husband to Delisle —

John Flannagan, says he knows the waistcoat now produced to be his property — she had worn it — values it at 5/ — values the Calicoe at 4½ ⅌ yd — there are about 14 yds of it —

Benjn Delisle — high Constable — & was required to take charge of Prs at Harrington's in Dec. last — before this Sr Grahame had reqd the Constable Hibert to assist her to get back a piece of Cotton, qt she 1st had been retained from her — the other articles of Calicoe and waistcoat were delivered up to him by Mrs Burns —

The King
v
William Beach } Ole Indictment for Grand Larceny—

John Fennell, was in company wt one Rigby on 24 Sept last in Mr Stone's public house, there was a proposition between Mr & Rigby about the exchange of watches — Mr had then £6. 4 — in a small box. & took out a 5 doll bill & 2/6 he held the box & rest of money in his hand — not agreeing wt Rigby & put back the money in the box. the box he put into his left trowser's pocket, but there being a hole in the pocket, it fell thro' in the floor he perceivd somethg fall but did not take notice it was the box — it was afterwards delivered to him — & put it into his right hand pocket & began to lament the loss of his money — one Brown called him to know what was the matter — but he began to joke the Mr — on leaning across the table speaking to Brown. he took a character he had from Quebec — he began to read it loud out & threw it back at him — during this he felt somethg about the pocket in gt he had put his money, he seized the hand of Pr & saw him — he held the box between his thumb & little finger, but Mr laid hold of the hand & held it close — but the Pr pulled his hand out of that of Mr & carried the box off with him, — the Mr then turned round

being

being alarmed for his money he complained of his loss, but the Soldiers then present told him to go about his business — Went away down stairs, when Pr followed him, laid hold of Ws & asked if he thot — that he had his money — Ws begged he would let him go — Ws got out when Pr knocked him down — The Ws then went to barracks & lodged his complaint wth the Sergeant Major — Sergt Major directed him to stop at the gate when the men came in to see if he could recognize Pr — he saw Pr & recognized him immediately — the Pr was put in the guard where he understood the Pr had been searched There were two 5 dollar notes in the box —

X

There were between 20 & 30 Soldiers in the room besides Ws & Rigby — had drank only one glass of liquor in Stones & none after — he was not in the least intoxicated that evens — he was much concerned for the loss of his money — Ks Brown now present, caught the hand of Pr in his pocket in the presence of Brown & the others — never saw the Pr before that night — Never so he was robbed by Pr out of doors — was told to go to Prison to see Prn as they would give him 15 dollars if he would not prosecute the Pr — Saw Sergt Major at barracks, but was not then in liquor —

James Cox. Sergt. Major, saw last Wd. in Sept. last, saw him at the barracks — he was brot. there by one Sergt. Fosset — the ~~Wd.~~ man was in a state of intoxication — the story he learned from Sergt. Fosset — on this told Fennell to call next morns & that he would take care that the person he should name should be forthcoming —

That same night one man had been arrested before Wd. came there, & the Pr. also was arrested but not for this offence, but for returns to the barracks drunk — The next morns Fennell pointed out the Pr. as the man who robbed him — It did not appear that the state of Fennell was owing to agitation, but to liquor. The Pr. was searched by Sergeant Car. Sergt. of the Guard — Fennell would not express himself & he thought from liquor —

x —

Considered the last Wk. to be drunk when he saw him — next morns. he questioned Fennell — he sd. he had recd about £6 — some in notes, some in Coin, he would not say how much in notes, but that he could say on what Bank the notes were Wd. was not the first person to whom Fennell spoke it was Sergt. Fosset — Knows Pr. for nine years the character of Pr. is good — he is allowed to work at his trade, privately — he is a brush maker. That he has never ~~any~~ heard any thing agt. the character of the Pr. since he has known him —

xxd

Would not be surprised to have found £3 or £4 — in money upon him —

Francis

Francis Car — was Serg.t of the Guard when this took place ~~Finnell~~ did not see Finnell the evening of the robbery. Wt searched Pr that evening, he had been drinking. The Pr had been accused of robbery by the Serg.t on the outside of the gate — & gave P in charge to Ws he assisted to search the Pr found money on him — it was silver — he counted it — does not remember what became of it — Serg.t Fosset got it Serg.t Hartshorn was present when P was searched

Thos Edwd Fosset, Serg.t — he recd either 17. or £1.29 from the last Wk as found on Pr — & gave it to Serg.t Wilson to bring to the Court — There was a five dollar note, ~~a piece of 5/6~~ as to the other money cannot remember it. —

Finnell applied to him that evening, but he was very drunk, & could not describe the kind of money he had lost — The Pr bears a good character in the Regt he is a brush maker — & may gain 5/ a day — was not surprised to find that money upon him —

Thos Rigby — Knd Md Finnell — went to Stone's tavern wt him in Sept last — there was some talk about changing watches — F. took out a tin box & took a 5 doll not & 2/6 — but Wt did agree — Finnell was sober when he left Ws — Finnell said to Ws he had lost his box and his money, & accused Pr

of

it — Tinnell was sober when he left the W.

Wm Hartshorn Serg.t 24 Reg.t — The P.r was ~~examined~~ searched and there was silver found upon him, exceeding one pound, the P.r said the money is money & I expect to find it in the morning —

The P.r had been drinking, but had his recollection about him — he is considered to be a good man in the Reg.t —

Benj.n Delisle — Ks P.r from have seen him in custody about 12 Sept. last — rec.d the 2 packets of money now produced from Serg.t Wilson —

Benj.n Wilson — Serg.t Fosset delivd. money into his hands yt had been found on the P.r he delivered it to the High Constable — He also rec.d from Serg.t Car £1. 1. 10 — he gave it to Fosset, & Fosset gave it back to W.r & he delivered it to High Constable Delisle — Knows the piece of 5/6 — to be same from the mark he put upon it —

Benj.n Delisle called up again, says the money ~~he rec.d~~ now produced is the same he rec.d from Serjeant Wilson —

John

John Fennell — shews the piece of 5/6 & recognizes it as from two nicks on the edge of it, gt he had in his possn the night of the robbery — there is a small crack on the edge of one of the pieces of 2/6 —

&c

The Witt recd the money the morning of the day he lost it, and examined it in the presence of his wife —

Defence

John Brown, Soldier no 24 — was in company w Fennell the night he lost his money — when ~~at Stones~~, he went into the house he heard F. had been robbed. saw P there & he saw him all the time — F — handed Wr a character to read — did not see Pr, hand in the pocket of Fennell — & had he put his hand there Wr must have seen it — thinks that F. was still in the room when he went away — he went out wr Pr & was with him all the time till P. was arrested at the Barracks — that Fennel was in the house when Wr & Pr went away — Fennel did not accuse the Pr of having stolen his ~~name~~ money —

Geo. Cotterell, Corporal — was in company with Pr & Brown & two other men who were at the table with him — He heard that Fennel had been robbed at time Wr went into the room — saw Fennell hand a character

to

to read, & made game of ~~them~~ him, as producing a character to private soldiers to read —
They sat at table — there was a man sat between Fennel & the Pr — & he must have had a very long arm to reach him — & he must have seen him
They all went away. the W. & Brown & the Pr. all went away together — & he was in his company until the Pr was stopt at the barracks —
Considers the testimony of Fennel in regard of the Pr to be false — Fennel never accused Pr to W. of having robbed —

X —

Is sure that Fennel was in the room when W & Brown & Pr went away — That Fennel might still have gone to the barracks before W —

John Fennell recognized — the Crown from the Notch

Serjt. Fosset — That Fennel told W. that he had received £10 — qts he had rec^d that morning in notes, & that he had paid away some part of it —

Verdict. Not Guilty. —

The King
Alex^r Tibbetts

The King
v.
Alexander Thibetts } On Indictment for Gr. Larceny —

William Henderson, merchl. at Hinchenbrook
last fall he purchased goods from Messrs. Masson & Co.
all the articles mentioned in the Indictment except the
raisins which he bot. from Messrs. McDonald & Holmes —
Wrts. had them packed up and addressed to the Capt.
of the Steam boat that plies between Lachine & Chateauguai
to be forwarded to Wm. at Hinchenbrook — The goods
did not arrive — he got a search warrant, & search at
the basin of Chateauguai but did not find them —
That Mr. Dewitt found them afterwards — and
were brot. to Wm. — The Wrts. knew the marks, and
they corresponded with the Invoice — they were in
2 packages — marked Wm. W H. — There was one
box of raisins also found ~~having the same~~ but it is not marked
but corresponds wt. the Invoice — Saw the Pr. who
had the goods, he said he would give up the goods to
the Wrts. — said would give him £20 — besides to
say nothing about the goods, as he had bought them
from a pedlar —

X

The last time he saw his goods was at the store
house at the basin — the envelopes were marked in
his name —

In Bte. Masson Ks. last Wrts. — he came in Decr. & bought
several

several articles of goods from Wm — there were 2 ballots & a caisse — and the enveloppe was marked ~~to~~ qt he knows to be the mark of the House to qt he belongs — Knows a private mark of the House on the Cassimire, which he made himself — Knows his mark on the Dreadnought — is worth £4. 10 —

These goods were forwarded to Lachine for Hinchinbrook by order of Mr Henderson —

Charles Dewitt — ks Pr. Wm lives at Chateauguai — the first kn. he has of Pr at Chateauguai was in June last — he was a Schoolmaster — he was boarded in a house there — he left that in October and went to St. Martine, where he also kept a School — he was but in indifferent circumstances —

Wm commands a Steamboat between Lachine & Chateauguai — Mr Henderson purchased some dry goods which he sent to Wm to be transported from Lachine to Chateauguai, qt he did, and stored them in the Store at the basin at Chateauguai — and Mr Henderson rec'd them there, they were marked W H. — saw the goods there the 9th Decr last — on 11th Decr last Mr H. came there for his goods, but ~~one~~ two bales

of

& ½ box glass

of the goods were wanting ~~and~~ a box of raisins on examination they found that a person going under the foundation of Stone qt was on a wooden frame, the door had been opened, and the goods carried off — They got a search warrant, & made a search, but found nothing — Heard that the Pr who kept School, gave handful of raisins to his Scholars — this created suspicion — That on this he got a warrant and went wt bailiff to the Prs house at St Martine, the Pr appeared surprised, Ws told him he was in search of stolen goods, the Pr said he had no goods at his house — The Ws sd he must search the Pr then said he had some which he had purchased of a pedlar — said he knew the pedlar when he saw him but not by name. Ws found the different goods now produced ~~particularly~~ he put his mark upon a piece of Cotton — there were two enveloppes qt they found there with the name of Mr Henderson upon it. and the Pr sd the goods were wrapped up in these enveloppes — Pr said he had purchased the said goods at two different times — took no Invoice of the goods, but bought them in the lump — said he had agreed to give £20 ~~but~~ the first purchase, but had not then paid, that when

the

179
80
259

179.

the pedlar came back he purchased for 169 dollars — and on this occasion paid the amount to the pedlar — They took the effects, and arrested the Pr — On the road the Pr requested to be discharged, that he would give up the goods make up for some articles he had sold and pay the damages & offered 5 dollars —

That there are 9 pieces of Cotton upon which Wm had marked his name — there was a piece of dreadnought wh the Cotton but he did not put his mark on it — The mark on the box of raisins is defaced but he transported a similar box for Mr Henderson — The 1st box of glass is the same he found wh Pr —

These goods were in a back room, piled up there —

Jn Bte Masson — The amount of the Invoice was £205, but there were other goods not included in the bales — Knows his marks on the Cassimire and the dreadnought ~~has~~ his particular mark the Cotton was packed up in the same bales —

Louis

Louis Leclere, lives at St Martine – his Pr who has lived about 2½ months – & keeps a school he had 26 children, who give him 1/3 ℔ month. he cooked his own victuals – The wife – lent him a small cast a little before Christmass – saying he had left some of his cloaths at the basin of Chateauguai – The Pr returned about 4 o'Clock in the morning, it might take the journey in 2 hours – the distance is five leagues – he went off about 10 o'Clock in the morns & returned about 4 next morns –

Charles Sheldon – boarded 4 a 5 months last summer wt. Pr who then had a school there & said he had 31 scholars for whom he was to receive 1/3 each ℔ month – he left the place in hopes of getting the Governt. Salary – when he went away he was obliged to leave his trunk in pledge for his board – for which he pd 7 dollars ℔ month.

Saw the Pr at Chateauguai about the 12th Decr. last – this was a thursday & on the Monday after he heard of the robbery from the Store on the Monday after – That the Pr sd. he had a horse and traine wt. him – The people of the house wanted him to stay, but he would not. it

was

was then about 12 or 1 O'Clk in the morning but he would not, saying he was obliged to return —

The Pr. when before the Magistrate said ~~the~~ he had received the goods in the envelope marked as that now shown —

The Prisoner called no Witness.

Verdict Guilty —

Saturday 8th March 1834 —

Pres.t
Mr. Justice Reid
Mr Justice Pyke —

The King
vs
Alexander Thibells

On Indictment for Larceny —
In this cause the prisoner prayed to be permitted to withdraw his plea, and to plead guilty to this Indictment which was granted, and he pleaded Guilty in consequence —

The

The Kiing
Leon^r Larose } On Indictment for Petty Larceny—

Francois Girard, lives in St L. Sub—in January last he worked in a house for Mr Debuzpres and had all his tools there & he went to dinner and left his tools in the house—the same tools as mentioned in the Indictment & of the value therein In the course of the day the P^r was in the house asked of him if he would rent some pipes of a stove—gt W. refused & the son in law of W— advised him to be on his guard agt P^r as he had already been in gaol— The W^s next morns found that his tools had been stolen—told Martineau of it—he s^d it was the P^r as he had seen him there—got a search warrant went to house of P^r—found nothing—P^r was not there but on going away the P^r came in, & they charged him w^h stealing the tools, he denied it—but at last said, come out here and I'll tell you something they went out with & when the got to the lower end of the Cote, the P^r s^d. if you will not cause me any trouble I will tell you where the tools are—Martineau s^d. if you know where the tools are come & shew us—The P^r before coming to the place where the tools were said. he was not the person who had stolen them

that he had seen a young man of the Quaker
subjects carry them off & that he had followed
that person as far as the market place in
the St L. Sub. to see where he would hide
them — they went to the place and with the
toe of his shoe threw aside a parcel of
snow and the tools were found, except the
hammer some of the planes — On this he
observed to Martineau if you will come
along wt me to Q. Sub. I think I can
discover the person who took the tools. —
Martineau did not go, but brot the Pr with
the tools to the police office — The Pr said he
did not know the person who took the
tools, but would know him if he saw him.

Julien Martineau, Constable — had a search wart. to
search Prs house — went there. he was not at
home — they searched by consent of the person
of the house but found nothing — understood
that Pr had gone out of his house twice — soon
after P came in told him of the wart — the
Pr & he had not taken them, but knew who
had. told Ws to come out he would tell him

on

on this he s^d. if he would do nothing to him he would tell when they were — that he had seen a person take them and conceal them near the market place of St L. Sub — went there when P^r began to look about the benches when W^s told him he knew where the tools were and to shew him at once — and on this the P^r went on the outside the Stalls where he stirred a bank of Snow wl his foot, & the tools were found

S^d That it was a young man of the Quel. Sub who had taken them, that he did not know his name & that he could know him if he saw him — but W^s refused to go after a person of whom there so little likelihood to find —

Verdict Guilty

The King
André Kellerstine } On Indictment for returning from banishment without lawful excuse

The Prisoner being arraigned pleaded Guilty to the Indictment —

The King
vs
Joseph Perrault } On Indictment for highway Robbery —

There being no evidence adduced in support of this Indictment the Jury returned a Verdict of Not Guilty as to the Pr.

The King
vs
Pierre Fontaine } On Indictment for Stealing five Lambs of the value of fifty shillings the property of one Jean Chagnon —

The Prisoner on his arraignment pleaded guilty as to the Stealing of one of the said said Lambs value 10/ —

Whereupon the Attr General prayed Judgt. agt. the Prisoner on the Sd Indictment conformably to his said Confession —

Monday

Monday 10th March 1834.—

Prest.

Ch. Justice Reid

Mr Justice Pyke.—

The King.—
Jn Bte Fournelle
Franc. & Zephyr
Laneuville

On Conviction for an assault
Judgt— Imprisomt in Gaol for 2 months and that Jn Bte Fournelle give security for his good behaviour for 2 years, himself in £50 & two sureties in £25— each.—

The King.—
v
James Doulevey
Ellen Doulevey—

On Conviction for an Assault
Judgt— Imprist in Gaol for one months and security for the peace for one year— Pr in £20— and two sureties in £10— each—

The King
v
Hugh Tracey—

On Conviction for an assault
Judgt— Imprist in Gaol for 3 months and security to keep the peace for one year Pr in £50— and two sureties in £25 each—

The King
v
Thos Berry
John Smith
Thos Conner

On Conviction for petty Larceny
Judgt Imprist in Gaol for 2 months –

The King.
v
John Rourke
alias Jno Ryan

On Conviction for petty Larceny
Judgt – Imprist in Gaol for 2 months –

The King
v
Franc Bourg

On similar Conviction – Like Judgt

The King –
v
John Fitzgerald

On similar Conviction – Judgt 3 months in Gaol

The King
v
Cecilia Grahame
Bridget Clemens

On similar Conviction – Judgt 2 months in Gaol

The King –
v
Patrick Norris.

On similar Conviction Judgt 3 months in Gaol.

The King –
v
Joseph Messier
St. Ste Francois

On similar Conviction. Judgt 3 months in Gaol

The King
v
Jean Larose

On similar Conviction. Judgt 2 months in Gaol

The King –
v
Pierre Fontaine

On similar Conviction. Judgt 3 months in Gaol

The

The King. —
v
Jean Bte Johannet

On conviction for Grand Larceny
Judgt 12 months in Gaol. —

The King. —
v
Augustin Thibeau
dit Languedoc. —

On similar Conviction. —
Judgt 6 months in Gaol. —

The King.
v
Franc. Xavier Leclair
George Rolland

On similar Conviction —
Judgt 6 months in Gaol

The King
v
Alexander Thibetts

On similar Conviction — on 2 Indictments
Judgt 6 months in Gaol — on each Conviction

The King. —
v
David Brown
John Smith

On similar Conviction. —
Judgt 6 months in Gaol. —

The King. —
v
Bazile Amiot. —
on

On Conviction of privately stealing from a Shop above the value of 5/ Sh
Judgt on 2 Indictments — on one Conviction — 6 months in Gaol and on the other banishment from the Province for life. —

The King. —
v
George Scott —

On a similar Conviction —
Judgt 3 months in Gaol

The King v. George Rollans — On Conviction for stealing privately from the person — Judgt — Dealtt — Sentence recorded —

The King v. Henry Abm. Joseph — On conviction for Stealing on a navigable River above the value of 40/ Sts — Judgt — 12 months in Gaol —

The King v. Andre Kellersberne — On Conviction for returning from banishment — Judgt. Dealtt — Sentence recorded.

The King v. Archelaus Welch — On Conviction for Manslaughter — Judgt. 6 months in Gaol —

The King v. Joseph Vaillancourt alias Jos: Bonhome — On conviction for Stealing from the dwelling house above the value of £15. — Judgt — Dealtt — Sentence recorded. —

The King v. Francois Zephyr Laneuville — On Conviction for Burglary — Judgt. Dealtt — Sentence recorded —

The

The King
v
William Lane

On Conviction for Burglary —
Judgt Death — Sentence recorded —

The King
v
Emanuel Firmin

On Conviction for Burglary —
Judgt Death — Sentence recorded —

District of Three Rivers } Court of Criminal Jurisdiction

Thursday 13th March 1834

Present.
Ch. Justice of Montreal
Mr Justice Bowen
Mr Justice Vallieres de St Real

The Grand Jury were called sworn & charged.

The King
v.
Jean Bte Gauthier } On Indictment for Burglary.
The Prisoner on his arraignment pleaded Guilty —

Whereupon the Court proceeded to record Judgment of death upon the Prisoner

The King
v.
Michel Gailloux } On Indictment for receiving stolen goods knowing them to be stolen. —

Mr Coffin clerk of the Crown, produces the conviction of the principal offenders.

Louis Dupuis, merch^t Three Rivers — on 6. Sept. last his house was broken open & goods stolen — There were 6 pieces of Cloth. 13 pieces of Calicoe 6 pieces of Coin 15 pieces of baptiste — 10 pieces of Mussilin — went in search of goods & thieves — the thieves were arrested & convicted — he got some information respecting the goods in the poss^n of P^r a man named Lamontagne S^d he had seen small cuttings of goods at door of P^rs house, & he heard that some 4 persons had been seen to go there — he got a search warrant — went to house of P^r he was not at home — found the children & the mother in law of P^r — she came down stairs, & on search they found in a chest a piece of baptiste — une piece de Gingham ~~& bapteste~~ ~~Cotonne~~ Carrotte, & un coupon d'Indienne, a piece of grey cloth under a paillasse — he recognized these articles to be part of his property that had been stolen — values the Calicoe at 5/ — Gingham 10/ — baptiste 11/ — cloth 3/ —

The P^r is a day labourer — occupies a small house

&

P^rs wife is a couturiere — the goods now produced as similar to those he lost — cannot identify them by any mark —

Philip Burns — H. Constable went w^t search warr^t to house of P^r ~~w^t last Wit~~ before the search — after the search & the goods found, the P^r absented himself from his house — & W^s could not find him —

Rems that the P^r attended Court during the sitting

of

of the Court in Sept. last — The Pr. worked at the brick making in the banlieue —

In Bte. Bolvin, Constable, went wr. warrant to search house of Pr. in Sept. last — Pr. & his wife were absent — the mother in law come down — when search was made and found in a trunk the articles mentioned in the Indictment, these articles he delivered to Mr. Burns the Constable — he was directed to arrest the Pr. did not at first find him, but on the 25 Sept. last we went to his house & found the Pr. under a couchette, covered up wr. a piece of coarse cloth — the Pr. o'd. he expected his brother from Quebec, to give bail for him —

Knows that his brother in law did give security for Pr. — Has understood that the wife of Pr. is a seamstress —

In Bte. Lamontagne — about 7 Sept. last he had occasion to pass near the door of Pr. & found a piece of Cloth — he put it on the fence, when he returned the cloth was not there — went in & blamed wife of Pr. for ~~letting~~ leaving her cloth in that manner, she said it was not hers —

Defence —

Claude Turcot — Kn. Pr. for 5 or 6 years — he never heard any thing agt. his character as an honest man —

Verdict. Guilty –

The King
vs
Charles Quesnel } On Indictment for horse stealing.

Germain Beaudry, lives at Becancour, Ks P. who is deepon there – on the 13 Oct last Ws had a brown mare gt he had in the park of one ~~Ducline~~ Frant Bourbeau de Beauchene – put there on the 4th Oct – the park was well closed so that she could not get out – values her at 30 dollars. – On the 13. he saw her in the morns – about 10 Clock – the afternoon she was missing, and found the Pr. leading away the mare and a young man an Irishman ~~[illegible]~~ was wt him, he was passing the door of Wr he allowed the Pr. to continue his rout wt the mare and came to town and made his complaint on the next day agt the Pr. for stealing the mare –

X –

Ws had purchased the mare from the Pr. on the 4th of Octr – the Wr. was to give to amount of 30 dollars in work for the mare being a painter & carriage maker by trade – he had delivered no part of the work, as he had ~~2 years~~ six months for doing the work, the Pr. offered to give him 2 years but he required only six months, gt Pr. agreed to give him –

The

The mare was then at Louis Sinsorres, at the fief Cournoyer, about a league & a qr. from W.
The Pr. himself delivered the mare to the W.S. at his house
the mare was still at St. Cyr's, but W. had been to see her, and the Pr. told W. that he considered her from that moment at his charge — The sale was concluded in presence of Madle. St. Cyr — but the price had been agreed upon before W. left his own house to go and see the mare at St. Cyr's —
On the 17 Oct. the Pr. stopt at home of W. w Beauchene & asked W. if he had been to take the mare — W. s'd yes — who sold you the mare? — the W. you, Mr Quesnel — and who delivered her to you? — You yourself —
On this the Pr. went away w. Beauchene, without saying anything further. —
Same evening P. came wt. Mr Baron Atty & Mr Pepin the notary, & asked W. to deliver back his mare, or give him 30 dollars in money —
W. says he has no property, & is separated as to property from his wife —

Franc. Bourbeau de Beauchene — gave permission to Beaudry to put his mark in his pack — it was about 7 Oct last — he saw the mare there — That on the 18 Oct the Pr. came to W. and asked of him leave to take away the mare — the W. said the mare belonged to Beaudry, who had put her there — but the Pr. said she wd. be his when he had paid him 30 dollars —

Verdict. Not Guilty —

The King
Jn Bte Moreau } On Indictment for petty Larceny.

Alexis Tourigny. lives at Becancour — came to town about 1st feby. left his carriole in the yard of Mr Dixon put his buffalo robe on his horse — a person came to Moricettes to say a buffalo robe had been stolen — Wr went to Burns who had the skin, and Wr knew it to be his property — about 11 o'clk he left his robe on his horse & about 2 o'clk he found it had been stolen & in hands of Constable knows robe to be his property values it at 10/-

Pre Bourque The Pr offered him a robe for a 5/ on the first feby last — Wr. Pr he must have stolen it, as he had no carriage — said he would shew him where his carriage was — went along wr him, at last the Pr fell upon Wr & wanted to beat him — on this the suspicions of Wr were confirmed, & he arrested the Pr — & delivered him to the Constable w the Skin The skin is seen now shewn

Ph. Burns — H. Const. On the 3d Feby. last he met the last Wr wt Pr who complained that Pr had struck him he carried him before the Justice, at same time the last Wr delivd. to him a buffalo robe qt he 1d the Pr wanted to sell to him, qt is same now shewn — sent a constable to give information of the robe — being suspected to be stolen — a person claimed it as his property —

The King
v.
Frans. Cadoret } on motion of the Attn. General to be heard on application to set aside the order of Justices for a new trial in a case of harvey before them — cites 6. T. Rep. 638 — 13 East. Rep. 416 — moves that order be quashed — The party being called did not appear —

The King
v.
Narcisse Croteau } On Indictment for stealing a mare the property of Chas. Clement Dubois on 28 Sept. last —

Charles Clement Dubois — on Sept last he had a black mare in his field near the house on the 28 Sept last, saw her there in the evening — next morns. she was missing — went in search — at the ferrys he was told no person had crossed there — the W. then went on to St Jean, he was told by an old man that a man & black mare had passed. The W. found his mare at our Berniers in the first concession of Lotbiniere — Bernier P. he had had the mare in exchange from another man —

Louis Bernier — lives at Lotbiniere — about St Michel last, the Pr. came to his door leading a black mare saying he wanted to sell his mare — did not know

the

the Pr — P. he lived at Gentilly — it was about 11 1/2 in the morning — Wr refused to purchase — on this he proposed to exchange the mare for the horse of Wr — which was at last agreed upon — & Pr went off wt the horse going downwards —

That 2 days after, the Monday, Dubois arrived at his house, and stated that his mare had been stolen & described her, on gt Wr, restored the mare to him. — That before this on the same day the Pr had returned and passed the house of the Wrk with another horse, about 2 o'clk in the afternoon —

It often happens that persons in the Country exchange horses wt strangers —

That next day the Wr went to the house of Pr at St Jean & told him the mare had been taken from him & asked for his horse back — on this the Pr P. where should he find the mare he had exchanged the mare with, & the Pr appeared quiet

Abraham DeRousseau. about 1 Oct on Saturday last the Pr came to house of Wr wt a horse which Wr had exchanged wt him — and got the horse of Bernier

gt

which Pr. then had in his possession — this exchange was for his Cousin Fr. de Rousseau & was a good one for him — as Bernier's horse was worth more than that he gave in exchange —

X

Ks. Pr. by sight — never heard anything of him and he belongs to an honest family —

Defence —

Michel Courteau. Ks Pr. & his family — he always passed for an honest man — Considers him as a man of weak intellect —

Jean Paul — Ks. Pr. — he lived wt. M. at different times. he had access to whatever was in the house — she never missed any thing out of it — he belongs to an honest family —

Verdict. Guilty —

Friday 14th March 1834

Prest.
Sr. Justice Reid.—
Mr Justice Bowen.—
Mr Justice Pelletier.

The King
vs
Louis Grondin } On Indictment for stealing a Sheep, value 10s.—

Ignace Chenier lives at Gentilly, on 7th Augt last he had a number of 22 Sheep in his field — saw the Pr come in the evening after Sun down, and take one of the Sheep which he carried off — W lost sight of him after he had gone 3/4 of an acre —

When the Pr took the Sheep the W. was about 1/2 an acre from him — That the Sheep of the W. went at times on the land of Pr. & were mixed with his — he had counted his Sheep that day some hours before — Did not lodge his complaint agst the Pr. till after — he had been prosecuted by the Pr in the mean time for defamation of character in accusing him of stealing — That after seeing the Pr. carry off the Sheep he went & counted them & found there were only 21 in the field —

Felix Chenier lives near land W his brother — about the 7th Augt last

last he saw the P. wt a sheep on his shoulder in the field of his brother — he was walking the W. cried out to him, when he threw down the sheep — and went into the woods on his own land — That ~~next day the~~ W. went after the P. loosened the sheep & turned into the troupeau of his brother — next morng his brother knew the sheep to be one of his —

W. was about 2 arp. or 2½ arp distant from Pr when he saw him wt the sheep on his should — That he did not till his brother of this till four or six months afterwards —

Here the attorney General gave up the prosecution — and the Pr was acquitted —

There being no more business before the Court, the Grand Jury was discharged, and the following sentences were pronounced —

—

The King
v
Michel Gailloux } On conviction for receiving stolen goods knowing same &c
Judt — One month in Gaol

—

The King
Jn Bte Moreau } On conviction for petty Larceny —
Judgt One month in Gaol

The King —
Narcisse Croteau } On Conviction for Stealing a mare
Sentence of death recorded

The King
Franc Cadoret } Judgt of the Justices reversed — and
proceedings remitted