

Criminal Court. K.B.

27 August 1834 to 9 Sept 1834.

Chief Justice Reid

Gentlemen of the Grand Jury.

As Members of the Community in which you live; you are called before this Court, to the exercise of an important duty towards your Country and your fellow citizens, as the Grand Jury of the District. —

The administration of the Criminal law of the land, becomes more particularly interesting, as it affects not merely the character and conduct of individuals, but also their liberty and life — and they who are called to participate in this administration, must necessarily feel the weight and importance of the duty they have to fulfill, and be solicitous to discharge it faithfully, and impartially. —

The Constitution of our Country has been particularly watchful over the rights and liberties of the Subject in regard of Criminal accusation, as it allows no man to be tried or convicted of any Crime, but by the voice and opinion of his fellow Subjects — This gives a confidence and a security to every man in the protection of the law against injustice or oppression, as to this tribunal, he can safely confide his highest interests, under the firm reliance, that should he even be wrongfully accused, he never can be lawfully convicted, while his conduct is upright. —

In the discharge of the duty which you are now called to perform, you will have much matter for your consideration — the crimes and offences to be laid before you are numerous, and some of them of a nature to affect the lives of the accused. — It may happen, that in many cases, direct evidence of the guilt of the accused cannot be obtained, as the criminal, in effecting his purpose, will always seek to shade himself in darkness and concealment, to avoid suspicion and punishment, but circumstances more or less convincing, when duly weighed and considered, will always enable the Jury to form a right opinion of ^{the} guilt or ^{the} innocence of the party. —

Although great powers are vested in a Grand Jury, still they must not be exercised in an inconsiderate manner, nor in such way, as to work an injury or injustice to any man; for here, as in every other trust which the law imposes, there are certain principles to be observed, which must guide the Jury
~~#~~ ~~Serinity towards~~
~~the accused -~~
~~pervades the~~
~~whole system~~
~~of our criminal~~
~~law, and is~~
~~strongly -~~
~~Conspicuous~~
~~in the administration~~
~~& it -~~
in all their investigations for the right discharge of their duty, consistently with the oath they have taken. ~~#~~ The humane principle, that ~~man is by nature~~ every man must be considered as innocent, until the contrary is proved, is a protection and safeguard even to the criminal, and requires, that guilt, or a strong suspicion of it, arising out of some fact or circumstance connected with the accusation, and attaching to the person or conduct of the accused, should be ascertained, to warrant and support the accusation — It is therefore requisite that the attention of the Gr. Jury should be directed more to the facts and circumstances of each particular case, to satisfy their minds of the truth of the charge, than to any particular consideration of the technical language, or the mode & manner in which the charge is described. —

With respect to the evidence which a Grand Jury may receive — it is to be observed, that in general, they ought to require the best and most satisfactory, of which every case will admit, and which must always be given on oath — before them — On this principle, they ought not to receive the written examination of a witness taken before a magistrate, in lieu of his parole testimony — nor can they in cases of perjury or forgery, receive in evidence, any certified copy of the instrument upon which such perjury or forgery is charged, but must have the original before them — Nor ought they in any case, to receive as witnesses persons convicted of larceny, perjury or forgery, as such offences are inconsistent with the common principles of honesty, and the law excludes their testimony as of no weight. — Hearsay evidence, or the declarations or opinions of

of third persons cannot be received — but an accomplice may give evidence before the Grand Jury, in support of a bill of Indictment against his companion in guilt, as his knowledge of the facts may often be material, and although his testimony is to be received with Caution, yet if the Jury be satisfied from any other source, that he has told the truth, it is sufficient. — With the same caution ought the Grand Jury to receive the Confession of the accused, when unaccompanied by any other testimony — of all kinds of evidence Confessions are from their very nature so liable to suspicion, so likely to be obtained or influenced by hope or fear, that before they are received, the circumstances under which they were made, ought to be ascertained — but when confessions appear to be the free and voluntary effusion of a mind impressed with a sense of the guilt of the offence committed, they may be received as the strongest evidence against those who make them. —

As the power of the Grand Jury extends to all criminal offences and evil practices which may be committed within the district they represent, so they are sworn and charged to enquire into all matters and things of this character; They ought also to present and lay before the Court every object of an injurious nature, either to the public peace, the public health, or the public security, whenever a knowledge of any of these things can be obtained, either from any of their own body — upon their own view — or from information to be laid before them by any of His Majestys subjects. Such presentments may have the salutary effect of checking the evil, or of producing a more correct deportment in the persons accused. — By investigations of this kind the community become impressed with the advantages resulting from the institution of a Grand Jury, and of the beneficial effects of the superintending power they possess, when discreetly used, of making such enquiries and representations on behalf of the public. — From their character and situation in life, we are induced to consider the Gr. Jury as men too upright and impartial to be influenced by any other motive

than

than that of the public good, nor is it to be presumed, that so many individuals indifferently selected, would unite in opinion, to present wrongfully or inconsiderately, any person or thing, — contrary to the obligations of the oath they have taken. —

As we enjoy peace and quietness in the land, and every man feels the protection which the law gives him in the confident enjoyment of his property and civil rights, let us endeavour to preserve and secure those benefits against every means that may be devised to disturb or destroy them — Let those laws, and the Institutions of the land, Civil and religious, be respected and obeyed — Let every man in the discharge of his duty, in whatever situation he may be placed, or wherever he may be required to act, whether as a Grand Juryor or otherwise, enforce this obedience, by his influence and example — Let the magistrate in particular, use his utmost endeavours to impress on all around him, a just estimate of the blessings we enjoy, and be instrumental in — maintaining order and good conduct among all ranks of men — that by such means those blessings and advantages may be continued and prolonged for the future benefit of society.

Messieurs du Grand Jury. —

Vous êtes appelés devant cette Cour, comme membres de la Société dans laquelle vous vivez, pour exercer, comme Grand Jury de ce district, un devoir important envers votre pays, et vos concitoyens. —

L'administration de la loi Criminelle de ce pays, est d'autant plus importante, qu'elle affecte non seulement le caractère & la conduite des individus, mais aussi leur liberté & leurs vies ; ceux qui sont appelés à prendre part à cette administration doivent nécessairement sentir le poids & l'importance des devoirs qu'ils ont à remplir, et doivent avoir à cœur de s'en acquitter avec fidélité et impartialité. —

En tout ce qui regarde une accusation Criminelle la constitution de ce pays a veillé d'une manière particulière à la protection des droits, et de la liberté du sujet, car elle veut que personne ne soit mise en accusation et ne subisse son procès, que d'après la voix et l'opinion de ses concitoyens — quelle confiance, et quelle sécurité dans la protection que donne ainsi la loi contre l'oppression et l'injustice — Tout homme traduit devant ce tribunal peut donc avec sûreté lui confier ses intérêts les plus chers, dans la ferme conviction, que si l'accusation est mal fondée, son innocence lui servira d'égide, et qu'il ne pourra jamais être légalement déclaré coupable. —

Pour vous acquitter des devoirs que vous êtes maintenant appelés à remplir, vous aurez beaucoup à considérer — les crimes et les offenses qui doivent vous être soumis, sont en grand nombre — il en est qui sont de nature à affecter la vie des personnes accusées. — Il peut se faire, que dans plusieurs cas vous ne puissiez vous procurer une preuve directe de la culpabilité des personnes accusées — le criminel en voulant parvenir à son but, cherche toujours à se cacher, et à se couvrir du voile des ténèbres pour éviter le soupçon et le châtiment — Mais des circonstances, plus ou moins convaincantes, duement pesées et considérées, mettent toujours le Jury en état de former une opinion correcte de l'innocence, ou de la culpabilité du prévenu. —

Quoique

Quoique de grands pouvoirs soient confiés au Grand Jury, ils ne doivent pas être cependant exercés d'une manière inconsidérée ou qui puisse causer du tort ou une injustice à qui que ce soit — car ces pouvoirs, comme tous ceux que la loi établit, doivent être exercés d'après certains principes que les Grands Jury doivent prendre pour guides dans toutes leurs investigations d'après le serment qu'ils ont prêté. — Qu'il faille incliner en faveur des prévenus, est un principe qui se trouve partout dans notre Code criminel, et qui se fait surtout sentir dans l'application de ces loix — Le principe humain qu'il faut toujours présumer l'innocence jusqu'à ce que le contraire soit prouvé, est une protection et une sauve-garde, même pour le criminel — Ce principe exige, que pour soutenir l'accusation et la rendre légitime, ou que la culpabilité soit démontrée, ou bien, que quelque fait, ou quelque circonstance, lié avec l'accusation établisse un violent soupçon contre la personne ou la conduite du prévenu — Le Grand Jury doivent donc, pour se convaincre de la vérité de l'accusation, s'attacher plutôt aux faits, et aux circonstances de chaque cas particulier, qu'aux expressions techniques de l'acte d'accusation, ou à la manière dont l'offense peut s'y trouver désignée. —

Quant à la nature de la preuve que peuvent admettre le Grand Jury, il faut observer qu'il est de règle générale, qu'ils doivent exiger la preuve la meilleure et la plus satisfaisante qu'il soit possible de se procurer suivant la nature du cas — Cette preuve ne peut se faire que sous serment prêté devant eux — D'après ce principe, ils ne doivent pas, au lieu de preuve par témoins, admettre des dépositions prises par écrit devant un Juge de Paix — Ils ne peuvent pas non plus, dans des cas de Faux, ou de Parjure, recevoir comme pièces probantes une copie certifiée du document qui fait la base de l'accusation, mais ils doivent faire compulser le document lui-même — Il est encore à propos de savoir que tous ceux qui ont été trouvés coupables de larcin, de parjure, ou du crime de faux, sont des témoins incomptables, et la loi rejette entièrement leur témoignage comme d'aucun poids — Le témoignage

Le témoignage par ouï-dire, qui consiste dans la déclaration ou les opinions de tierces personnes, est aussi inadmissible — Un complice peut rendre témoignage devant le Gr. Jury sur un acte d'accusation contre son Compagnon de crime, car sa connaissance personnelle peut souvent être de conséquence, et quoiqu'il faille admettre son témoignage avec précaution, cependant si le Grand Jury peut se convaincre d'ailleurs, qu'il ait dit la vérité, ce témoignage doit les satisfaire — Les Grands Jurés doivent user de la même précaution lorsqu'il s'agit de l'aveu du prévenu, si toutes ^{fois} cet aveu ne ^{se} trouve appuyé d'aucune autre preuve — De toutes les espèces de preuve, les aveux doivent, de leur nature, être considérés comme meritant ^{une entière} ~~peut de~~ confiance, car il est si facile de les procurer soit par l'espérance soit par la crainte, qu'avant de les admettre, il faut constater toutes les circonstances qui y ont donné lieu — Mais si les aveux viennent libres et spontanément d'un homme qui sent lui-même sa propre turpitude, on doit alors les recevoir comme la preuve la plus forte contre celui qui les fait —

Les Grands Jurés doivent s'enquérir de toutes les offenses et de toutes les mauvaises actions qui se peuvent commettre dans le District qu'ils représentent — Ils doivent aussi représenter et mettre à la connaissance de la Cour tout ce qui peut porter préjudice, soit à la paix publique, soit à la santé publique, soit à la sécurité publique, toutes les fois qu'il est nécessaire de veiller à leur conservation, ou d'après l'information d'aucun de leurs membres, ou d'après leur propre observation, ou enfin d'après l'information d'aucuns des sujets de Sa Majesté — les objets ainsi représentés, pourraient ou prévenir le mal, ou operer un changement dans la conduite des personnes accusées — C'est par de tels procédés que la Société se laisse convaincre des avantages qui résultent de l'établissement du Gr. Jury, et des heureux effets de sa surveillance, quand cette surveillance s'exerce avec la discrétion convenable — à en juger par leur caractère, et

l'état

l'état qu'ils possèdent dans la Société, nous sommes portés à regarder les membres du Grand Jury comme des hommes trop probes, et trop justes pour se laisser conduire par aucun autre motif que celui du bien public — L'on ne sauroit presumer que tant d'individus reunis comme par hazard, s'unissent d'un commun accord, pour faire aucune représentation, soit quant aux personnes, soit quant aux choses, qui violat les obligations que leur impose leur serment. —

Comme nous jouissons dans ce pays de la paix, et de la tranquillité, et chacun de nous repose sous la protection que la loi lui donne pour jouir de ses biens et de ses droits civils, faisons un effort commun pour conserver ces heureux avantages; Défondons les contre tous les moyens dont on pourroit se servir, pour les troubler ou pour les detruire — En cela, que donne l'exemple chacun de nous^t exerce son influence, toutes les fois que cette influence ou cet exemple deviendra nécessaire, ^{soit} que l'on agisse comme Grand Jury, ou autrement — Que le Magistrat sur tout fasse ses efforts pour faire sentir à tous ceux qui s'environnent la juste valeur des avantages dont nous jouissons et de maintenir le bon ordre parmi tous les hommes, afin par ces moyens de conserver le bonheur que nous possedons, et le transmettre intact à nos descendants. —

Criminal Court Augt & Sept. Sessions.

Wednesday 27th Augt 1834.-

Present

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Gale

This day a Commission under the seal of the Province was read, appointing Samuel Gale, Esq. one of the Justices of the Court of Kings Bench for the District of Montreal. —

The Grand Jury being called over, only twelve of them appeared, who were sworn in, Mr Protais Dussigners, their foreman, and were charged by the Ch. Justice. —

Thursday 28th Augt 1834

Prst

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Gale

The King
Donald McDonald }

On Indictment for petit Larceny
on having stolen sundry pieces of Silver
coin & a purse the property of Dr B. W. Bogum

The Prisoner on his arraignment pleaded
guilty to the Indictment. —

—

The King

Joseph Chartier
otherwise called
Joseph Robert

An Indictment for stealing above the
value of forty shillings in a dwelling
house —

Mathias Girvais, de la Athanase vers 15 avril vint en
ville pour acheter des marchandises — l'avoit
chez Benoit — ce acheté une poire de boite 15/-
24 aunes tissu rouge valant 15/- 15 aunes 8/- 15/-
une piece ruban 7/6 - du soie 2/6 - 3 pds de gants
3/- un petit piece ruban 1/- 2 ravois 1/- un
favomette 7/- un coupon de Mousseline 1/8 —
un coupon d'Indienne brune 1/- 4 coupes noires
1/- 4 miroirs 1/8 — centaines de laine rouge 2/
une douz. pinces — 2 autres articles dans une poche
de toile — 8th tabac en poudre. 15 aunes de bâton
Il avoit mis sa poche avec le effet dans la barre
dans les huit heures, il s'est apperçu que le tout
manquait — Mr Chas Benoit ci est à la recherche
du Voleur, avec d'autres — qui ont examiné le Dr
avec les effets qu'il avoit perdu —

*
Il avoit acheté ces marchandises la veille
Charles Benoit, bûcheron town, a bûcheron — tant M. l'avoit
en son nom en 15 april last — come to buy goods

m

in town - he had goods of his put in a bag and
put in the bar - the bag was lost - saw Dr. come
then had a glass of spirits - Mr. was told that the
Dr. had taken the bag - went in present - and found
him near the water side - & he had not taken it -
and he had taken only his own bag - went with Dr.
where it was and found, with several articles in it
which had been stolen - the Dr. had several articles in
his pocket which belonged to Garrison - Dr. then led Mr.
to the place where had sold several articles, & with
two Surveyors he found several articles such as cotton,
leaves & other articles of they had got from the Dr.
or then carried them to Mr. Burns, when they found
the bag & the snuff of Dr. had sold to him -
the books were on the Dr. & gave them up - he avowed
having taken all these things in the bag from the
bar in the house of Dr.

The effects now produced are the same found
with the Dr.

Mathias Garrison took up again, says the effects now produced
are his property and are the same he had in
his bag which was stolen from Bensett's house -

Here the Dr. said that he wished to withdraw
his plea of Not Guilty and to plead Guilty -

The Court thought it was right to take the verdict
of the Jury upon the remaining facts of they had been
charged, and without returning from the box, returned
a verdict of Guilty -

Friday 29th Augt. 1834.

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

The King
Joseph Goyette
otherwise called
Jos. Goguette

An Indictment for stealing a cow
Sheep, value of

Char Champagne, lives at Beauharnois or Oka last
16 or 17 years — on the 8th Oct last he saw the
P^t go into the back of Mr J. Brown's house, saw
him catch a sheep, tie it & carry it off — he
afterwards saw the P^t kill the sheep and eat a
part of it, the reason he gave that he was a poor
man & wanted it.

P.

Mr lived 3 years worked for P^t who is a butcher,
he now & then has cattle to kill — It was some
days after St Michael he saw the P^t take the sheep.
Mr mentioned this only about 2 months ago —
to Mr Brown — Heas had a little difficulty with
the P^t last fall — but it was a leg up & the
parties agreed together

Defense

Jos: Fournier, les P^t for 5 years, he bears
the character of an honest man — he is a butcher
and to go at night to get cattle — Mr. P^t last

Mile

With he is much given to liquor - he is a day labourer - he is considered as a dishonest man - a lover making difficulty w^t his benefactors - he had difficulty w^t Dr. and threatened him that he would make him pray for it.

Mr. is brother in law of Dr.

Purkash Lebeday. lives at Beankarnois - is Dr. for 58 years - has character of an honest man - he is a butcher - he has Dr. to go in search of cattle at night & kill itself next day - His first Dr. who is much addicted to liquor - has heard that he is a dishonest man - & he would not believe him on oath.

Jos. Monpetit de Pollevin. is Dr. for 18 or 19 years - he has always had the character of an honest man - His first Dr. who is a man given to liquor - Mr. wd. not believe him on oath -

The Jury without withdrawing from the box found a verdict of Not Guilty of the Dr.

The King
Co: " Baker
Patrick

In Indictment for Petty Larceny
The Dr. on his arraignment pleaded
Guilty & threw himself upon mercy of the court.

The Grand Jury came into Court represented
that from their small number, they had experienced
considerable difficulty in the dispatch of the business
laid before them, and that they apprehended this
difficulty would be increased from the circumstances
of some of the jurors now present complaining of
indisposition, and might be unable to continue in
the exercise of their duty, and requesting that the
Court would assist them in this aspect. The
Court in consequence directed that the Grand Jury
might adjourn to Tuesday the 2^d Sept next, and
that notice should be given for such if the Grand
Jury had not appeared, to appear on that day.

Saturday 30th Augt 1834

Prst:

Ch. Austin Peix
Mr Austin Peix
Mr Austin Gale.

The King
Alexis Mace'

{ On Indictment for stealing a ewe
Sheep value 12/- property of Isaac
Racine.

Isaac Racine, lives at Chantilly - about end of
Aug. last, Mr P^r his 2^d neighbour, he had 2
Sheep

sheep of. he shut up in his stable at night, and
next morn one of them was wanting - some days
after suspicion was raised of the Dr. Mr. M. waited
for some time to get evidence - the next day after
the loss of the Moutonne, he found a mitten, which
was said to belong to Dr. The Dr. was arrested -
on the information of Dr Marie Rose & John Bell
recovered the sheep at 20/- —

x

It was on the last day of January last, that he
shut up his sheep - he closed his door well, with
a verrou —

Dr Marie Rose - lives at Chambly, Dr. B's last Ms.
Mr. M. saw Dr. every day - saw the Dr. about 4 or 5
o'clock, he was coming along w^t another man, and
passing near the house of Racine, heard some noise
saw a person stooping and saw the Dr. get up, and
saw him with a sheep which he carried on his shoulder
he went along towards his house, by the Carral -
they followed his tracks & found he had taken another
route towards house of Mr. That night
morning the wife of Racine told ~~came to~~ his house lots
the circumstance of the loss of her sheep, & that they had
found a mitten - she very knew the mitten to belong
to Dr. who induced the Mr. to give information to the
last Ms. —

x

There were two young persons w^t the Dr. whom

He did not know, but knew the Dr's wife -
They were at the distance of 60 or 80 feet from
him -

Knows the master to belong to the Dr and has
seen it in the road - He made another master
but it was not of same colour -

John Bell, lived at Chambly about end of Langlart
on last of month was walking in a wood
to a village near the house of Racine heard
some noise of mader than dogs - They observed
the Dr with a sheep on his shoulder, and
knew it to be the Dr. The Dr then took the
road by the Canal to return home, of it not
the direct road - They followed him to the
house where he lived with the sheep -

X-

W. had lived in the same house w/ Dr
never had any difficulty w/ him -
was about b/w a 80 feet from the garage
of Racine -

Defence.

Josette MacLean ^{name} & Anton Robert - sister of R. in
Langlart Dr. lived w/ her - she had been for
8 days sick, so as not to be able to go out - that
on the last of Langlart he was unable to go
out

out of the house, and did not go out - and had
sent for the Doctor -

Knows that Dr had some difficulty with Rose
about the use of a horse belonging to Dr

The Dr has means enough to buy a sheep without
being under the necessity of shearing it. -

R

Thinks it was about the first of April last
that Dr was sick -

Suee Robert - R? Dr Knows he was sick in
January or February last - It lived in same house
as Dr & Doctor attended him, & he was unable to go
out of his house at that time - R? the Doctor bled
him -

George Vitty lives at In House - He Dr for 3 or 4 years
lives about 2 or 3 miles from R? knows little
of his character - never had any dealings w/ him -

Vindict. Guilty.

The King
Henry Garrison } an Indictment for Grand Larceny

Philip Aron Hart - lives in Montreal - last winter he returned on 28 Decr. last with his wife from St. Canada - on setting out from Brockville he had his trunk w^t several articles in it mentioned in the Indictment - and of the value there stated when they left P^r Clain the trunk was in safety - they stopped at Lachine to take some repast, and on going back to the stage, some one said, that a trunk was missing, & on examⁿ it was found to be that of Mr - and it appeared to have been stolen as darkness, from 2 band boxes of^t were over it, not having fallen into the place - sent in search back to P^r Clain - about 3 weeks ago one Gouot who drove the stage told him he that he had found the articles, & known a search warrant issued and sundry effects were afterwards produced at the Police office which Mr recognized to be his property - a coat - g - was in the trunk -
~~an old shoo~~

1 pair of Cotton, similar t that produced
a satin stock
a fan -
1 pr of ear rings - knows them from mark
a gold pin - gone -
a box on g is the hand writing of his wife
- w^t her maiden name, Mary Henderson

Trunks he saw the P^r at Lachine, at the time he
stop

stopt here - & that he was the person who saddled
a horse for him next day to go in search to Dr. Pease.
The trunk now produced was put in the trunk by
Mr. S has the name of Mrs. Hart in it. - written in pencil.

That the trunk now produced is the same he lost

Anne Emilia Whitney - lived at Lachine or Dor. last when
Hart always came there - They said a trunk was lost
when they were going off - The Dr. was then a servant
in the house & did his duty as such - They searched for
the valise without finding it - The Dr. remained with
her for some time after - That Delisle came there, and
searched the Dr.'s trunk, the same now shown, as she
believes - It was present a part of the time of the
search - saw the ear rings & stockings &c were found
in it - The Dr. was then in Gaol - Knows one
Majt. Heron, who lives next door to Dr.

The trunk was carried away by Mr. Delisle -
that 2 men John Gauvitt & Sol. Chapman took a trunk
to her house, same now shown -

Other boy and articles in it were found at the
time in the trunk -

X-

The articles were found was a box in which he kept his
doubtless, and of which he had the key - The Dr. lived two
years w/ Mr. S & she never have kept him so long and she knows

Henry Risk - was in the Coach Co. of U. Canada - heard
that Mr. Hart had been robbed of a trunk at
Lachine

Lachin works wear apparel - We suspected the
P^t. from having been taken up for another affair
Mr. obtained a search warrant issued to H. Combe
to Lachin, & went to Mrs. Whitney's - The P^t was
then in Gaol - Some person produced in the
room by some persons, it was looked opened by
the Dutch, some person gave him a key - saw
the different articles, now produced in the box-
trunks so opened - there were other cloaths & effects
besides those stolen - The whole was closed up and
brought to police office -

x

Berg's Clerk High Constable was charged with a search
warrant about the beginning of this month to
search the house of Mr. Whitney at Lachin
with Mr. Risk - he acted for P^t's trunks, & Mr. St.
two men who brot. in the trunks now shew
a key was given him w^t of which he opened the
trunks - & found in it the different articles now
produced - They were sent to the Police office where
and Mr. Fleet recognized all those article to be
his property, except some cloaths which did not
belong to him - one Sergeant Heron delivered
some articles to him - the book now produced -
& the letter now shewn - a small quantity of silk -
Sergeant Heron lived near to Mr. Whitney -

Margaret Heron - lives at Lachin for 3 years - near to
Mrs. Whitney's - used to see the P^t often, who
was

was then a servant at Mrs Whitney's - last winter he made her a present of a book, and a piece of silk, same as now stolen - he also gave her a shawl - said he got the shawl from a Peasant & the other article he had from his sister who was in England -

John Hewitt, lives at Lachine - found the trunk, now exhibited, in Mrs Whitney's Barn Yard - it remained there 2 or 3 days after he saw it, and some suspicion falling on Dr. of his having Mr Fleet's things, steps were taken in consequence.

John McArthur. The Dr's trunk was found in the stable it was took into the house, and opened, when the articles were found - there was wearing apparel in it belonging to the Dr. He always kept his trunk in the stable. This was upon a former charge against the Dr. He at first denied he had the key, but afterwards produced the key, and opened the trunk - after the articles searched for were found, the slacks, at the time observed, the coat, the ear rings, and other rings claimed by Mr Fleet which Dr said he had got from his sister in England, & they were in consequence put back into the trunk, & the Dr locked it and took the key. The trunk is the same which was afterwards searched by Mr Delisle.

The Person called no witnesses. —

Predict. Guilty. —

The 1

Monday 1st Septb. 1834

Presr

Ch. Justin Reed
Mr Justin Pyke
Mr Justin Gale

The King

Edward Deputy
otherwise called
Edward Forget

On Indictment for a Rape -

Marguerite Lepage - aged 16 years -

Knows the Pr^r on 1st June last she lived at the
cote a Bawon, near the same course - her father
keeps a tavern there - the Pr^r came to the house
on that day; it was the procession of Fete Dieu
about 2 o'clock in afternoon - he asked if she
was going to the procession - she said he was &
the way is long & I will accompany you -
went w^t him to church - ~~after~~^{before} I was over, she
felt herself indisposed & she set out to return home
the Pr^r followed her & came w^t her about an acre
from the church - he asked if she was going home
& he w^t accompany her - when they came to
the old Tornane's house, when he asked her
to make so w^t him towards the Mountain to
see the fountain - she s^r. she was wanted at
home - Pr^r he w^t not be long, they complimented

he made her sit censured - they came to the
fountain - he then drank some water & wanted
her to take some also - she refused - but Dr. would
tell some other persons who were coming up had
passed - the Dr. then made some indecent
propositions to her of - she rejected - he then had
told her threw her down & had knowledge of
her carnally, he penetrated her body, and remained
there ~~replete~~ as long as he chose - that at his
private parts were moist after this, with what
matter - She found herself very weak - and
not able to sit up - one Barberian came up -
she saw none other - she ~~saw~~^{wish} him to take her
name, as Deputy, was but forcing her age, her
will - she was ashamed to say, that he had
forced - while Dr. was forcing her before he had
effected his purpose, she called out for help - as much
as she could - when she returned home she told
her father & mother what had happened -

that Barberian asked of Dr. if he was not ashamed
& Dr. then took his hat up & went away - That
she went w^t Barberian a few steps when Dr. Barberian
when he made the same indecent propositions to her
& on her refusal he knocked her down & had carnal
knowledge of her - That Barberian is now gone -
That she had no acquaintance with Barberian -
The Dr. did not strike her but dragged her -

Knew P. before this - Mr P. had never been to see her before before - There were several young men who came to see her and were well received - She never went out to watch out them - But she went & visited in some houses in S.L. but was never blamed by her relatives for this she never was at any balls given by some girls in the suburbs -

On leaving her father's house to go to the Church, she came by the small village of it is the ordinary route that she followed the P. about 2 feet from him when they went up to the Mountain - she talked w^t him - he was a friend of her father's & she considered him as a friend -

She saw several persons going towards the Mountain it was a common route for people on Sundays, & she went that way like others -

Her father & mother were at home, & said let go along w^t the P. to the Church - That it is usual for girls to go w^t young men to walk towards the mountain -

That she was not strong enough to resist the attacks of the P.

That the P. hindered her from crying out, by closing her mouth with his hand - he put her hands behind her back -

That her father sometimes gives balls at his house sent not to girls of bad fame -

Joseph -

Joseph Hartabine, 120 Dr and also Mary Lepage since
the first of last June - saw P^r. That day M. was
at the source, and saw P^r come there w^t the girl,
they came to a stone fence, & P^r went over & the
girl after him - they went to spring - when P^r
took a draft of water she washed his hands. Then
M. was about 1/2 an distant - they left the
source went to a publick tote near the mountain
following the road I went of his sight - soon
after the W^m heard cries, like that of a female,
from the quarter of P^r & girl took - he saw
P^r appear about 1/4 hour after he was alone -
he appeared as if something had happened to him. Then
M. asked if he had got a freight. M. asked if it was
a girl of bad character or not - he said it was ^{not} a girl of
character, the young Lepage - the W^m said he was
wrong to allow a girl to ~~be~~ of good name to be so
used - as Barbara had ill-used her - he said
it was good for her, as she had accused him of a
contention to take her by force -

X^o

that the road where he saw the P^r & girl was a by
road - the road is much frequented by young people -
that it is a little dangerous in his opinion for a young girl
go into the brush wood alone with a young man -
that he saw the girl about an hour after he shot
that the cries he heard might have arisen from the
ill-treatment she had received - The P^r always
conducted himself well as far as M. knows -

The W^r. saw Barberon ill-treat the girl - and about 5 or 15 minutes after he saw Dr^r come down the steps going rather quickly - he spoke to Dr^r

Berry Deblie, high constable, was charged w^r a warrant ag^t Barberon for a rapi un François Barberon - he made every search for him but could not find him, nor has he ever been found as supposed to have fled -

Charles Depage - Mary Depage is his daughter - Dr^r Dr^r he used to come at times to the house as a friend, but not w^r a design to see his daughter - and he could have no difficulty to tract his daughter w^r him - Dr^r came to the house on the 1st June last - It had not changed his residence Dr^r he had not seen him - asked him to come see him - the Ma^r was then dressing herself to go to the procession - the Dr^r said he would go w^r her to the procession - after some conversation together the W^r & his wife agreed to let her go w^r the Dr^r did not see her afterwards until she was brot home to her by Edward D'Orionne & Louis Monferrant - she was then in such a state as he scarcely knew her. she was so ill used & covered w^r blood -

That there are 2 young men who frequent his house in order to see his daughter Marguerite
That the next morn. his daughter told him that she had been ill-treated by the Dr^r and that he

had induced her to go to the Mountain, where he threw her down and had carnal knowledge of her by force - she also complained of having been abused afterwards by Barberon -

X-

Keeps a bawdry since the 20th May. He has given balls at his house, but no persons of bad character were admitted to these dances - he rented the lower half of a house, the upper part & the other half of the lower part was occupied by persons whose characters were said not to be good - d'W left the house -

That d'W never told to any persons that his daughter had said that P^r had never had carnal knowledge of her - That the P^r Barberon in truth had had carnal knowledge of her person, that Barberon had beat her, but that the P^r had not -

Marie Courval, wife of last W^r. She P^r who came sometimes to the house - saw him then on the first June last. Her daughter was preparing to go to the procession - and went then by consent of her parents - That when she came home that evening she was in a bad state and unable to explain to her what had happened, that after much difficulty she complained that the P^r first and afterwards Barberon had had carnal knowledge of her - She has marks of violence on her body -

Defence -

Dame

Michel Proulx, lives in Montreal, stone cutter - saw the
girl at the Mountain on 1st June last w^t Mgr
Lapage - she was sitting along w^t the Dr^r side by
side - this was at the border of the wood -
d he did not see them till he was close ^{on} to them - a
he was coming up. She called out to them - in
addressing herself to Barbeau, who was w^t. W^t
to come to her assistance, as there was a person
measuring who wanted to take her by force, but
he could not say whether she meant to speak
of the Dr^r or of any other person - she did
not seem to have any of her dress deranged -
Has been at her Father's house at balls there -
has seen several persons many of whom he did
not know -

Gives the Dr^r a good character -

L-

Joseph Beaupres - man, he was at the Mountain
on 1st June w^t Michel Proulx & Barbeau -
& Boisache - he went up last, & saw all
Lapage ~~w^t forward~~ ^{w^t away} to the Dr^r, when the Dr^r
wishing to go forward, Barbeau forbade him
to advance & he thinking the girl to be one of
bad character, did not go further -
Did not see the Dr^r saw the girl after Barbeau
had beat her -

Gives a good character to Dr^r

Thomas

Thomas Barbeau, mason in Montreal - went with his father & the Dr to M^r Lepage's on 2 June last
They went to make some arrangement - The mother
was in a great rage, and said both persons should
be hanged, and M^r Lepage, said it would be
a pleasure to her to see them hung and ~~said~~ that
if it was necessary she would pray to have them
hung in the way she wished -

That she said that Barbeau was too much
in liquor, and was unable to protect her, she pushed
him off & he beat her - That Dr had not strength
to effect his purpose -

Gives a good character to Dr

Joseph Laurent, painter - M^r Lepage & his family -
saw M^r Lepage - on 2 June - asked her how it
had happened - she said, had it not been for
Barbeau it would be nothing at all - that the
^{Dr had done nothing to her, and he} Dr was not strong enough to effect his purpose.
Thinks that a young man is not able to effect his
purpose in the situation they ported were unless the
girl were consenting -

Gives good character to Dr

J^r Marie Beauchamps, carpenter - on 2 June went
with last M^r to house of Lepage, saw the young girl
who was in bed - She said that Dr had done her
no harm - that she was stronger than him -

The woods at the mountain are frequented by
many persons of good bad character -

Gives a good character to Dr -

F

That the girl had stated that Barberon had
beat her, & showed the marks of the blows she
received - but added that the Dr has done
her no hurt - en fait aucun mal -
but said nothing, about whether Dr. & Barberon
had used her force to violate her -

In P'te Labelle Le Lepage, has frequented his house for a
year past - but when he heard that he had
persons of a bad character in the upper part
of the house and on one side, he did not
continue to go there - Has seen persons of
dankful character go into the house of Lepage
& has seen the girl Lepage - joining with them -

Scamier Leclaire - M. Lepage & family - has been at balls
at the house - last fall saw a number of girls
of bad character at a dance - there & Lepage
told him that these girls gave him the means
to gain his livelihood - that persons of all
characters frequented his house -

Gives a good character to Dr - After the
character he has of M. Lepage, he would not be
much satisfied with salt -

That he has been in the habit of drinking in
the house of Lepage after church -

Joseph Globensky, lives in Montreal - had some conversation
w^r LePage - who told him that his daughter had been
very ill treated & had marks on her body, that it was
fortunate that they had not been able to effect any
thing agt. her person - That at another time two days
after, LePage said, that the two persons had violated
his daughter -

That Mr would not have allowed his daughter to go to
the place at the Mountain where Dr & the girl went

That from what he knows, I has seen of the
daughter of LePage, he would not take her on her oath

In B^r Lajoie - LePage & his family - has been often in his
house - it is a house of is badly conducted - that
the daughter of LePage came to the house of Mr with
some girls of bad character w^r a fiddle in order
to hire a fiddler to go to her house - has seen Miss
LePage w^r these girls who lived in the same house
with LePage, keeping company w^r them - That
the wife of LePage is often addicted to liquor -

That he would not believe the mother nor the
daughter upon oath - That LePage told him that
his daughter had not said that Dr had not had
any thing to do with her, that it was only Berbeau

Joseph Forget de Depay - That next day 2^d June he had
some conversation w^r LePage, went to the house to
see the girl - the wife asked the girl in a
positive manner is it true that these persons have
restated

violated your person - she said - no mother
of them did so - in speaking of Dr L Barberian
Edouard Perrault, Mr. Depage - on 2^d June last - he was at
his house - saw the girl - asked how it had
happened - that she ~~said~~ Dr had wanted
to violate her, but that Bon Dieu had given
her power to defend herself -

Does not think it a fitting place for young
persons of different sexes to go to -

Thinks that no man could effect the
overcoming a woman by force -

Knows that there are persons of bad character
who lived in the Upper part of Depage's house
in his opinion he would not take the
oath of the girl -

Bazile Billanger - Mr. Depage & his family has been
persons of good & bad character there - there were
girls of bad character who lived in the upper
part of the house - who seemed familiar in
the house -

The evidence was closed for the
Defr Dr - when the following witnesses
were called up by the Solle Girl in
support of the witness produced by him

Joseph

Joseph Poirier, No. Mary Lepage has had occasion to converse with Mr. evening the matter happened, & she then said she was not bound to tell the thing to every one who asked her — That she would tell when it was time —

That in the house occupied by Lepage, there were girls of bad fame in the upper part form side of the house — That the persons who have said that Miss Lepage is not to be believed on oath are people who are not to be believed —

That he would not believe James Leclair on oath — from the evidence he has given to day —

Joseph Clavelle — No. Mary Lepage, good character — knows the band de traîneur de Montagne who go up to Mountain to pass the Sundays instead of going to Church —

Joseph Failli — saw Mrs Lepage 3 days after the accident happened, asked her how it was — she s^d she was not at confess, & not obliged to tell everyone who asked her —

P. Larivière No. Lepage & his family for 5 years, they are perfectly honest good people — never knew Mrs Lepage but contrary to good morals — never tho' it at Lepage, that he lived in the same house w^t persons of bad character.

Lars

Chas. Picard R.C. Lepage for 14 years - his character
of a ~~good~~ good honest man - & his daughter
to be of good character -

When the evidence was closed

The Jury being charged, retired for a few
minutes and returned a Verdict of Not Guilty
against the Prisoner.

Tuesday

Tuesday 2^d Septb 1834

Present

Ch. Justice Reid
Ch. Justice Pyke
W. Justice Gale -

The King
Jean Olivier Brien
otherwise called Jean Olivier Desrocher }

On Indictment for Murder -

Le Raymond Brien de Desrocher, aged 23 years. The D. was his wife - lived at Lassumption Marie last - The P^r is his brother - was married to D in Oct last - she was about 17 or 18 years of age - W. lived in the house of his father - There is one front door & opened into the Salle - on the left side there is a room & back to another room - there is a kitchen directly behind the Salle - went to bed a few minutes before 9 o'clock - there were in the house besides, the P^r - an old Frenchman his father's brother, & one of his aunts - the father and mother were then absent - The P^r was not in the house when W. went to bed - he returned a little after 9 - after W. didn't have been in bed in the room next the Salle - his father's room - the P^r was not aware of this - there was a clock in the room - the P^r came into the room w^t a light & looked at the clock - and he also looked at W. & D. W. was nearer the wall & D an outside the bed & nearer the clock than

W.

He sh then lay with his ~~head~~^{face} toward the W.
He went out of the room - does not know whether
he went to bed - he then slept commonly in ~~a bed~~
the salle sometimes up stairs -

We soon fell asleep - was woken up in the night
by his wife turning towards him and complaining
she heard something striking her - the W. stretching
out his hand, had ~~set~~ ^{went} hold of an ax, and the
person who was using it, ^{W.} had received blows
at it also - the handle of the ax was left in
his hand - The W. cried out - he called no one
in particular, but cried out, Murder - he got
up, and called to young man for light - when
he seized the handle of the ax - he saw some one
go out of the door of his room - it was too dark
to tell who it was, or what his garde was -

When the candle was lighted - he observed the front
door open - There was a dog in the house -
he in general barks ^{particularly} when strangers come near
the house - he was kept in the house in the
salle at night - did not hear him bark that
night - he was in the house - d W. saw him there
when he got up -

Directed Lepine to go to neighbours for help - he got
light from Lepine in the salle - he saw two beds
in the salle - in one of qd Lepine slept - the
other was a brakhat there, but he saw no one
sleeping on it -

Before Lepine went for help, we saw no one
come

come into the house - The first time he saw the Dr was after Laporte ~~his~~ wife had come to the house - The neighbours who came to examine the situation of Dr found sundry wounds on her - She died about 7 or 8 o'clock in the morning when he saw the Dr - he did not speak to him - does not know where he went - The next morning he observed blood on ~~hand~~^{his shirt} one of his sleeves, it was a grey jacket -

The apron he had seized & found on the bed, was belonging to Mr it was put into hands of Capt' Peppin - it was generally left in the house, sometimes it was left outside -

One of his doors is closed an crocheted like other has no means of shutting - when he got up he observed the door from the kitchen into the yard open -

There appeared to be a good understanding between the Dr & the Dr - There had been some difficulty between them, but it appeared to be made up - Dr told him this but Dr never spoke of it

x^d

His father had made a donation of the land & house to Mr & Mr the Dr continued to live in the house - Slept the night in his father's bed - who had gone to St. Lazarus this was known to Dr Smith Dr looked at them in that bed, when he looked at them as not expecting to find persons there -

Before he awaked he cannot say whether the dog barked or not -

Laporte was the first who came to the house after

the

the accident - That on Laporte's coming in, he observed her up on the bed - Mr had gone into the salle - does not know whether any other person was in the house before Laporte came in - he saw no one -

Knows that the Friday before the Dr had cut his finger in snatching des chevilles - it this thumb bled - but did not observe there was blood on his cloaths in consequence -

Joseph Chevandier de Lefine - he is 13 years of age - he lived in March last with Raymond Brien, & had lived there for 18 months - slept commonly in the salle - remembers the Palm Sunday - he went to bed about 6 o'clock in the evening in the salle - his Master & Mistress were not gone to bed - about 1 o'clock in morning he was woken up by Raymond Brien, who cried out that some was murdering him in bed - he asked for a candle - he ~~lighted~~ lighted it went into the bed room - saw Dr covered w blood in her bed - saw her up on the bed, & she belonged to the house - he had seen it in the hands of the Dr the evening before - Dr was in the habit of using it - it was generally kept in the kitchen -

For about 15 days before this, the Dr had slept at stairs, but that night he took his bed down stairs to the salle & Mr saw it when he lighted the candle - before lighting the candle, he saw some one go out of the front door - cannot say who it was before it was lighted the Dr came in by the front door ^{holding him} he said something

to

to his brother, but Mr. did not hear what it was.
Then went out by the kitchen door - Mr. W
went out by the front door to go to Laporte's
residence. On turning round the corner of the house
& going towards Laporte. - Mr. followed close after
him & when Mr. came to the door it was opening -
he went in, & fell down by the Stone, & said nothing.
Mr. told Dr. Laporte that his Mistress had been
assassinated and he had come for help - Laporte
went with him to Raymond's, & Dr. remained at
Laporte's - Dr. came back to the house about an
hour or an hour & a half after -

There is a dog in Raymond's house that barks
commonly in the house - he is accustomed to bark
much particularly when strangers come to the
house, and even when the persons of the house
returned from Vellay - The Mr. observed blood
on the ladder of the ^{bath} door, at first Dr. had gone out,
but he had not observed before -

There was blood at the finion of the house of Raymond
When he saw it up on the bed no person had come into
the house except the Dr.

Dr. Laporte - lives at Lassumption - is the nephew of Raymond Breen
knew his wife, and Dr. Dr. lives about 1½ acre from Raymond's
on the Saturday night about 1 o'clock he was woken up by
some one knocking at the door ~~desirous not to open~~ He
was woken up a son Dr. he gave a sigh, say all men
die, & fell down by the Stone Laporte came in at same
time, who told them that he had come for assistance

as his master & mistress had been murdered in
bed - Mr & his father in law went to Raymond,
left P. behind - he went to door & knocked
when Raymond opened it Mr. went in -
when Raymond told him that in his wife had
been assumed in bed, requested Mr to go and see
Mr went in saw D. covered with blood, saw
the ap on the bed - Mr was alarmed - Mr said
Raymond said, don't be afraid, he who has
given the blow is not here he is gone out -
that about half an hour after the Dr came in
and sat down in the salle, & did not come
near the room where the D. lay - Mr did not
go away about of fact in the morning -
the Dr appeared wholly indifferent to what
had happened & made no lamentations about
it -

Mr proposed to make search for the murderer
but was told it was ^{not} necessary - that it was
a mystery -

Observed a spot of blood on the ledge of the window
in the morning, qd. he had not observed before.

Saw something like blood on the frame of the
back door - on the outside -

2

Joseph Pirotte - Mr P. & Raymond & D. - Saw the P. before the
evening before, he passed at his door - he observed
something in his countenance he never noticed
before - he said it was fine weather - when

In

He heard of the accident he went to the house - about day light - saw Dr. D'Am - went back to the house after Dr had gone to St Rock to his father & mother - observed three spots of blood upon the left sleeve of Dr's gilet, and on the inside of the gilet - on the collar, as if it had been washed -

The Dr was arrested about 4 o'clock in evening - and as he was passing, he cried out - sangez vous - said
dieu d'est moi qui passe - while the old woman
who, asked him was crying in the room where Dr. was, she said I
serve il possible vous pleurez vous - mais j'ai envie de chanter
que vous avez fait un coup - la.

The Dr said that it was by an egratiniere on his hand
that his dress had been spotted w^t blood - Mr. saw
the egratiniere, but it was not sufficient to have
occurred such a flow of blood as to stain his dress -

Basile Pepin - Capt. of Militia at Lassumption - on
the 23 March last, having heard of the accident
Raymond Briere - he went there in the morn^g - saw
the Dr covered w^t blood - he remained there about
1/2 an hour, & while there the Dr and his father &
mother arrived - The Dr had a gilet of grey cloth on,
the M. went away, and was afterwards sent for
after death of Dr - he saw her dead - saw the Dr
who appeared like a man who was wholly indifferent
to what had passed - The M. arrested the Dr and
took possession of the Ax - The Dr was conducted to
Dr Cazeneuve's the Magistrate - The Dr had taken
off his gilet and put it into a bag, the M. took

it out of the bag, when the Dr^r acknowledged it was his — There are two marks of blood on the gilet — None were shown to the Dr^r — and we did not take possession of the trousers — The ax was delivered to him by Raymond Brien who recognized it as the ax of the Dr^r he had been using in committing the murder —

Observed that there were spots of blood on the pantaloons of the Dr^r

We reproached Dr^r with having left the house at the time the accident happened instead of remaining to aid his brother — The Dr^r said, he did not know what he did at the time —

Raymond Brien called up again, says, the ax now produced, is the same he found on his bed and left to be delivered to the Capt^r Depin —

The gilet now produced he believes to be the same which the Dr^r generally wore —

Jos: Chevadier, called up — recognizes the ax to be that of his master, and the same he saw on the bed left to see in the hands of the Dr^r the evening before —

^{Dear}
Frank Gauthier or Landreville, lives at Lassumption — knew all the parties — the Dr^r used to spend the evening at house of Mr^r — He told Mr^r he did not like the

Dr

D. — The Dr. was at the house of Mr. on evening of the 22nd March he spent the evening there went away with Augustin Chevaudier — saw Dr next day after the audience, he had not the appearance of a man much affected —

Augustin Chevaudier de Lefine — of Lassumption. Knew all the parties — that Mr. Vullen the Dr. on 22nd March last at Grant de la Gauthier — on evening along w^t him homewards, he observed something in his countenance which alarmed him — & went with Bourauds, on Monday after he settled his accts. w^t Dr who told him he was setting out on a journey, perhaps for a long time, and perhaps not. —

Pierre Perrault — was req^d by Capt. Pepper to arrest the Dr. on the 24th March last — found him at the Ferry's — the Dr. said he was ready — asked for his dragnet — We on the road to Lassumption Mr observed the Dr. had blood on the left side of his pantaloons — on the knee and so towards the bas of the pantaloons there was a good deal of blood —

Told Mr. don't you think I might have escaped when I went in search of my father — but I thought otherwise. & put all into hands of the Bon Dieu Mr. P. if he was condemned he would not be hanged — as he had a brother in the Clergy — Dr. s^r well I thought so also but a baileff from Lévis told him that that for Murder Clerg^y was not allowed —

Joseph Gauthier de Landryville — has heard the Dr. say — but did not like the Dr. — at different times —

Jos. Charles Cazeneuve, lives at Lassomphon, Surgeon -
knows & knew the parties - was called in at night.
last to see the D^r - on the 23rd March about 2 o'clock
in the morning - found D^r deprived of all
sense - she had 4 wounds on the head of - seemed
to have been inflicted with a sharp instrument
these wounds were all on the left side of the head
there was one on the back part of the head which
had penetrate the Craze, and about 1' in width, and
he considers it mortal - there were other wounds
one of which also penetrate the Craze and was sufficient
to produce death - believes she died of these wounds
of which he considers to have been sufficient for that
purpose -

R

Savv O^r who had then affected appearance

Here the evidence for the Crown was
closed. -

Louis O'Brien - Father of O^r lived in same house -
was at d'Argues when accident happened -
Mr O^r came for them - Raymond had been
married about 4 or 5 months - Mr O^r lived in
good understanding w^t his brother - Knows that
O^r had cut his hair a day before in making
jewels for the fence -

Knows that O^r assisted D^r to wash the floors of
the house -

Marie Anne
Marguerite Lanson - knew the D^r & the O^r know
that

that they lived in good understanding together, & that
Pr^r had even washed the floor for her —
The Pr^r for 16 years — no harm for a perfectly honest
man —

D. told M. this on the 10th Liby last, that Pr^r had
washed the floor for her — Mrs. had no conversation
with Desme — The Pr^r is her nephew —

Raymond Dorian first Mr. — that Los. Landreville dined
one day at house of Mr. never left the dinner-table to
go to an upper room —

Frank Labelle — C. de Lassumption — his Pr^r for 4 years —
he has always conducted himself well to his —
knowledge except in attending to his religious duties

Amable Lette — his deposition was read, by consent
of the attorney's as the witness had not attended.
says, a man came into his shop the day after the
murder w^t an ax, on the handle of it — there were
2 spots of blood —

Joseph Beigne has known Pr^r for an honest man —

Frank. Law. Gauthier & Landreville — good character of
Pr^r

Andre' Brien brother of Pr^r the parties Pr^r & rest of
family lived in perfect union together —

Verdict. Guilty.

Whereupon the Prisoner having been asked if he had any thing to offer why the Sentence of death should not be pronounced against him, and the Pr^r having offered nothing, but prayed the benefit of Clergy - The Sentence of Death was in consequence pronounced on the pris^r to be executed on the 1st inst - and the Court afterwards respite the Sentence to the 26th instant. —

Wednesday 3^r Sept^r 1834

Pr^r
Ch. Justice Reed
Ch^r Justice Pyke
Ch^r Justice Gale

The King }
vs George Salanne } on Indictment for forgery -
The Prisoner, being sent up for trial
moved to be permitted to withdraw
his plea, and to plead guilty to the Indictment
which was allowed. —

The King, &c.
vs
Isaac Jackson } On Indictment for Petty Larceny.

Cecile David wife of Dr Fortin - was on the market place on 9th July last & had a bag with the sundry articles mentioned in the indictment and after value therein stated, the bag was stolen from her - the cloths were wet - she met at Madame Bourdon who said a man had been offering a bag of linen for sale for a shilling - Next day Madame Bourdon asked her the same thing, and on her saying she had - Bourdon told her the things were at the watch house - She went there and found her bag - all the articles she had lost were in the bag when she found it, & those now produced are some of them - and all were her property

John Shiller - on 9th July last saw Dr on the Market place & asked him if he would not buy some things he had in a bag - the same bag now produced - is produced the yellow hat now produced was in it - All went all the articles were damp - There was a button in the bag - That the articles were stolen, enquiry was made among several persons about them - The Dr was arrested and with the bag was taken to the watch house -

Ambroise Lettre - is in employ of Clerk of Market, on 9th July last was called to arrest the Dr who had a bag with wet articles in it - There were several articles

articles in it, and particularly a button which was
recognised as the same he then saw - The Dr
was conducted to the watch house with the bag -
one of the watchmen made a list of the articles
in the bag which he showed to Mr

Benj^t Chester H. Constable - on 20 July last he and the Dr &
a boy of sundry articles in it from the walls
house - all the articles in the indictment were in the
bag - on the representation of the poverty of the
said Cecile David, a part of the article, was delivered
up to her, but she recognized the whole to be
her property -

Verdict - Guilty

The King }
Emilie Dalcourt } On Indictment for Petty Larceny

Elizabeth Benoit, lived in D. C. on 14 Augt. but
was employed by Mad^r Brandamour to make a
pr of trousers of gray fustain - She made the
trousers - values them at 7/6 - she put them in
a trunk, but not locked - she went out about
7 or 8 AM in the morn^g - & returned about 10 AM
to the Dr. a little - she lived a short time nearly
opposite to her - never saw her in house of Dr
The woman of the house found the trousers had
been taken by the Dr as she had been in the
house

house - They went in search of P_r and having found her they questioned her about the trousers, she at first denied having taken, but at last said if you will come with me I will show you where I put them - Went w^t P_r to the house of one Joseph Martel in Q. Sub - where she described the trousers, and they were delivered to her - one the same now shown - Knows her work - The P_r said she was in want & was born poor -

Joseph Martel lives in Q. Sub. Saw the P_r about the 15th Augt last - she brot a pr of trousers she cut a shift on the market place - and asked of him to advance her a 5^f on the trousers until Friday or Saturday - he lent the money - but the P_r did not return for the trousers - The last witness some time afterwards claimed the trousers as having been stolen from her, she described them & claimed them as her property & they were turned up to her -

The P_r adduced no evidence -
Verdict. Guilty -

The King
or
James O'Doherty } In Indictment for Grand Larceny.

In Pto. Arcan, on the 9th July last, had a shop in Dr. J. & the Dr. done Brothom - came into his shop, Mr was called to go to his dinner he had then his watch hung up in a small room adjoining his shop - There were two gold Keys attached by a ribbon chain - Values the watch at £5 - & the keys at 20/- each - when Mr. went to dinner, the Dr. & Brothom - went into the small room & sat down on a sofa when Dr. went to dinner - Brothom was accustomed to come into the Shop, now saw Dr before - Mr left a little boy in the Shop - who from the Shop could not see where the watch was hung - Mr had not been long absent, when he made the reflection that he run some risk to leave his watch w/ them men in the room - and soon after the a little boy who was in house called out to him that Dr was gone out & the watch was gone also - Brothom remained, he appeared a little in liquor - they searched him, but did not find the watch upon him - the suspicion then fell on the Dr. who was gone - made search after him immediately, - but did not find him that day - Heard this from one Pigeon that the Dr had been there to offer him a watch for sale, 1st Pigeon deposed

That

That next day he went to Pigeon's & one Simard told him that the Dr had offered the two watch keys to sell or exchange -

That about ~~the~~ a month after he found of the keys of he lost w^t his watch, in the hands of one Dore - knows it to be same -

On this the W^r sent out a warrant ~~of~~ Dr and he was arrested - has never found his watch nor the other key -

Amable Dore, ~~lost~~ about 10 July last, the Dr another came into his house - asked 2 passers by for it - the Dr then & he had come from Lachine - he had found 2 ~~the~~ watch keys & wanted to sell it - after bargaining some time about - he at last agreed to give 2½ for it & Dr accepted - He showed the key to his father in law Mr Pigeon when he heard that Mr Arcan had been robbed of his watch & keys - that if Mr Arcan came to him he would show him the keys - that soon after Arcan came to his house & he showed him the key when Arcan claimed it as his property - is the same key now shown to him -

Charles Pigeon - about the 9th of July last the Dr came to his house and offered him in pledge a watch key in pledge the Dr had a silver watch in his hand at the time, and two keys were attached to it - the W^r did not w^t the key particularly, & did not agree to take it -

Iron Seymour, has rooms at Mr Osgood's
120 P^r saw him at Osgood's on 9 July last. He
opened two watch keys ^{most probably for a seal} ~~was pledge to him~~ like
the one now shown - The Dr had a watch in
his hand, to qd. two seals were attached by a
ribbon -

Henry Herbert. about 10 July last he had a warrant
against Dr he arrested him on market place
that he had instructions to take him to Aransas.
But on the way the Dr told him that if Mr
Acam had behaved so grossly, he would
have told him where his watch was, but that
that now he would say nothing about it &
they might take him to Gravel -

Verdict. Guilty.

Thursday 4th Sept. 1836

Ones^t
Ch. Justin Reed
W. Justin Ryke
W. Justin Gale.

The King
Joseph Richard }
Simon Dell - }
Faxon & Associates }

An Indictment for Larceny -

Hugh Wilson, born at St. Johns, in
February last had charge of the King's Store
in which there was bidding of all descriptions -

On the morning of 1st Feb^r observed that the Stores had been broken open - he had secured it the evening before - a window had been forced - a door had been taken off its hinges, 114 blankets - 15 sheets - 2 parlours, 3 bolster - an iron shovel and a lantern - values the blankets & other articles as laid in the Indictment - These effects belonged to the King, but in his possⁿ as Guardian of the Stores - On 2nd March had information, a warrant was taken out to search for property that had been stolen on that search some of above articles were found - at Dells a bed - case and bolster were found ^{on the bed} - P^r was not present - There were found at Dells other articles which had been stolen - These articles were particularly marked w^t a D. O. & the broad arrow - knew these articles to belong to the King & were a part of the articles stolen from the Store -

*
Was told it was Dill's house - his wife was there & delivered up the articles -

That such articles are sometimes sold ^{from} the King's Stores but then it is usual to tear the mark & put something on the article to shew it was sold -

John Gillison - lives at St Athanau - on March last Simon Dill - came to his house w^t a bundle of articles wishing to leave it at house of W^r saying he had found it - but W^r refused saying that P^r should carry it to his own house, it was in the night time - and W^r said he was afraid the articles might be stolen - P^r said they were not - W^r said if he thought so he would give notice of it - P^r said ^{he did, in the P^r words,} that ^{many} ^{occasions} would be W^r as well as to himself the P^r

Father Guimont - He Das, lives at St. Athanase - declares he has no knowledge of any of the circumstances relating to this case - That he did not ^{at any time} accompany nor see the Das go into the Kings store at St. Johns when articles were stolen therefrom -

Pierre Paul Demarais Dr. P. in Feb'y last the last Mr. was bct before him was the bailiff who bct him said he had a deposition to make - and the P^r Guimont said he had a decto to make - That Mr. explained to him the nature of the oath he had to take, and an Guimont saying that he knew what he was doing - on this the said Guimont made the decto now produced, which Mr. Mr reduced into writing and read over to the P^r Guimont, and he made his mark to it

Geo. A. Miller - lives at St. Johns, heard that a robbery had been committed in the Kings stores in February last - Effects were found in the poss. of Dell a hattance & bolster - also a blanket - same now produced - The mark appears to be torn out - The P^r Dell said, he had bct these things at a public sale of Kings stores at Lord -

x

Not unusual to find such things in the houses of the habitants - It seems that a piece has been put into the place where the mark had been -

Magdalene Legros - lives at St. Athanase - knows nothing -

Defence

Hugh Wilson - it is customary to sell blankets such as
that now produced - when sold a mark is made
on them by tearing them to know them again -
the blanket now produced was is not torn in the
usual way - cannot say it was one of those or had
been stolen out of the Kings Store tent believes it -
Dell of the purchase thereof at some -

Daniel Myers - has lived in England - has been in the habit
buying ordnance stores in England - had a contract
for that purpose - that blankets similar to that
now shown, were so purchased - & he has seen
similar blankets in this Country - the persons
who purchase these effects generally tear off the
marks to avoid suspicion -

Verdict. Not Guilty at both Ass

The King
vs

Joseph Saplante
Simon Dille
Toussaint Decimut -
otherwise called St Luc
Ournet -
Joseph Richards

}

On Indictment for Grand Larceny.

Verdict. Guilty -

The King
Joseph Andy {

An Indictment for Grand Larceny
Verdict - Guilty

Friday 5th Sept 1834

Our
Justices Piked Gale

The King
Michael King {

An Indictment for Petty Larceny -
The Dr on his arraignment pleaded
GUILTY -

The King
Thomas Berry {

An Indictment for Grand Larceny
Verdict Not Guilty

The King
Frank Fournet {

An Indictment for Grand Larceny
Verdict. Not Guilty

The

The King
v.
James Bailes } Indictment for Gp. Larceny -
Chas^t. Perkins } Verdict, agt Bailes - Guilty - Perkins,
Not Guilty. -

The King
v.
Joseph Tamash } Indictment for Gp. Larceny -
Verdict, Not Guilty

Saturday 6th Sept. 1834

Prest

Ch. Just. Reid
Mr Justice Dyke
Mr Justice Gale.

The King
v.
Frank Lavigne } On Indictment for a highway robbery -
Seraphim Senecal)

Joseph Dubé, lives at St-Vincent de Paul -
was in town on 6 July last, he came from Steambont
W^t. Senecal, living opposite the house of Lavigne, he
asked him to go in & take a glass there - Senecal
wanted to borrow money of Lavigne, of £ 2 0⁰ he could
not give him - Mr gave him one glass asked for
a second - S. L was a very buse - Mr gave it

thus

They then demanded a third trait of W refused
they began to ill use him, and several assaulted
him & beat him - the W. being in the hands
of 2 Drs. one Perrault was afraid & at last
agreed to give the third trait - the W. being thus
all used, he cried out Murder, on which the Drs. turned
him out of doors - the W. then ran off towards
Mad Tullock's - the W. was not in liquor, he
had taken some liquor on board the steam boat
but was not affected by it -

It was then between 10 & 11 o'Clock, as the W. sat
down in the street to rest, having been ill used
by Drs. the Drs. came up to W. and Perrault
asked him what made him cry out Murder
at Langlois'; - when Dr. left the house he had
his money - the W. ^{said} because he had been ill used,
on this Perrault & Langlois fell upon him and
ill used him - cannot say whether several
was there or not - he had a bag, an arc, a couvert
a pair brousses - an echte vstoffe - a capot vstoffe
The Drs. then took him and dragged all the way
from the place he was near to the place market
place, he felt his money taken out of his pocket
which consisted of 5 Bank Bills of one dollar
each - that it was Langlois & Perrault were the
persons who treated him in this way - the
W. pretended to be dead ^{as he was afraid of big beat} but Langlois called out
to Perrault, to strike as he breathed still, and he
could make him Langlois pray to from -

The

bag, the cap, the converts, the gilt Schaffer, the
Capot d'etappe - were taken from him at the same
time - They were his property say the value stated in
the Indictment -

Senechal was on board the Steam boat no 11 and
had occasion to see that he had money. -

P

It might be about 9 o'clock in the evening when he
left the Steam boat - Senechal carried him to Lavigeau
Senechal asked if he had any rum - he ans^d yes - one day
W^r asked for a trath^t - there was one Lavigean then
a water carrier -

W^r did not make any noise, but only in a jocular
manner, as he was used to do with Senechal & he
had hold of Senechal in a jocular manner, as he was
to do w^t W^r while he was thus engaged w^t Senechal
Lavigean began to hit-beat the W^r and when the W^r
cried out murder, they turned him out into the street

It might be between 10 & 11 o'clock when he left the house
& sat down near Mad^t Tullot's - it was then dark -
had his bag under them - Some Lavigean & Perrault, or
they were upon him - but the 3^r on, was at some
distances & he did not know him - has nothing that he
had been beat near the church of St. Lazare -

That he made his declaration ag^t Perrault, about
15 days, or 3 weeks after - he was ill & unable to do it
sooon - he did not do any work all this time -

That after he was turned out of doors, he met a man
who asked him why he cried out, Murder - and to be
sure not to cry out in that manner -

Fran^c. Lafflamme, lives in S^e L. Lub. near Laveignes - on
the 6th July last he was awoken by some one
crying out Murder, it appears as coming from
the street - and heard some one cry laisse
moi Laveigne, le coquin -

†

We did not get out of bed -

Wm Fraser - lives near Laveignes - was awoken on the ~~evening~~
night of 6 June last about 10 o'clock - he was
woken up by the cries of Murder - he thought it was
not a loud voice as appeared so near to him that it
was in his opinion - He did not go out of his
house -

Joseph Pratte, Dr - lives at St Ymerit de Paul - was
called to see first Mr Dubé - found him un-
conscious, his face much bruised & inflamed - &
he was apprehensive of an inflammation of
the brain - he was very badly and had been
violently beat -

‡

Defence

Jacques Lavoie lives in S^e Lub. met Dubeau on July last
on a Sunday, & he came from Quebec - it was
about nine o'clock - it was dark - he was going towards
Laveignes - Dubé was not him - Dubé was seated
in his boat, waiting to sit down at the corner, near
the Wagner, he fell down - known Dubé for 3 or 4
years - he is much given to drink - than they
went

want to Laveignes - We went there - There was one
Servais - an ironing in Senechal asked for a traveller
Laveigne sent for some liquor - in the mean time, he
was an vieux Sauvage, un vieux nègre, un very good
man & suis un meilleur homme que toi - Dubé
kiss by the Collar - he then seized Senechal by the
hair of the head & gave him several blows - Senechal
called him to be gentle - and also Laveigne told him
to be gentle, or he would turn him out - he said
tu auras chaud - Dubé is a brash some man -
one glass of liquor was drunk in presence of Mr.
in course of half an hour - Dubé made as much
noise, that Mr. wanted not have suffered it in his
house - He Laveigne for 6 - 7 years, always
termed him for a gentle & honest man -
knows Senechal for 5 or 6 years & looks on him
as an honest man -

Laveigne is a Shoemaker - has drunks run in his
house - he stands up an hour in Laveigne's house -

Antoine Dupont, rem. when in July last, on a Sunday even
we had arrived at his brother's & Senechal came up
to him - it was very dark - heard a man cry out
Murder - saw Dubé when he came into the Street
up to Mr. & told him, they had beat him at Laveigne's
where he had asked for Clement - Dubé went on
still crying out - Murder - Senechal came out to
him & told Mr. that Dubé had & he had beat him
but

but it was not the case, he had not touched
W. went along with General to the house where
he ^{mother} lodged at one Hottel's - he demanded him, and
we left him -

That about a month after Dubé said, that
Perrault had given him a blow, which made
him lose all recollection -

Gives a good character to Day

Moyse Dufresne, lives opposite Lavigne's on a Sunday evening
in July last, about 9 o'clock heard noise at Lavigne's
his wife &c. it was Dubé - heard her son tell Dubé
to take his bag and be off - Dubé appeared to be in
liquor - knows Lavigne for 10 years - also General
for 4 years - always considered them as honest men.

Felix Bryne, lives in St. L. Lab - Ko. Dubé just a few years
ago was a Carter - used to come to town if often
he is fond of liquor - W. is a Constable who
keeps the Grand Jury - Dubé told him he
had made a complaint against Mr. Day that
he was advised to do so, or never would have
done it; does say for it -

Gives a good character to the Dr.

Lol Senechal - W. is niece of the Dr. Senechal, remembers
the arrival of Senechal at his mother's on July
last, about 11 o'clock at night & did not go out
afterwards -

Marie

Marie Perrault, lived at Laveignes on 6 July last - Dubé & Sénéchal came in there that night - Dubé was much in liquor & it was about 1/2 past 8 when he came in he began to quarrel w^t Sénéchal - shoved his fist th^r him & also hold of him by the hair, when Laveignes told him to be quiet, & to go away - Dubé would not be quiet - on this Laveignes turned him out when Dubé began to cry out Murder - it was then about half past ten - Dubé made a great noise in the house -

Julie Bonhomme, widow of Lambert Laveignes - was in Laveignes house when Dubé came there - he was in liquor - he began to create disturbance - threatened to beat Sénéchal - who was very patient - Laveignes ordered him out of the house different times - wanted him to go to bed or be quiet - at last turned him out - Dubé cried out Murder - She saw Laveignes at his door who observed that Dubé was crying out Murder - one man was touching him - on this she saw Laveignes turn back into the house & shut the door -

Joseph Lebois - about 6 July last heard noise in the street some one crying out Murder - soon one observed to him, why he cried out Murder - to be quiet - the man went on crying out still - Murder -
Knows Laveignes to be an honest man -

Mr Quintin de Dubois Esq^r Esq^r gives them a good character
John Mc Playe M^r Sénéchal for a few years

Verdict, Not Guilty a/c^r both Ong

The King }
Louis George Salanne } On Indictment for Forgery -
The Prisoner moved to be permitted to
withdraw his plea, which was granted
and he thereupon pleaded, Guilty, to the Indictment

The King.
Robert Heron } On Indictment for Petty Larceny. —

Peter Carter - was carpenter on board Steam boat that
navigates between Hackney & Caversham - was left on board
in charge of the articles on board - on May last 10. lost
the interest named in the indictment, & some paint - he
had seen the Dr^r on board the Steam boat at unproper
hours - qd. created suspicion of him - this was in May
1832 - one Chapman w^t the Mr. made a search
on^y Augt. last in the house of Mr. who works at the
Carpenter's work & he & his brother in law have a work
Shop where they work together - the wife of the Dr^r
opened a trunk in qd. the Spoke shaver was & on
Chapman's seeing it, he took it & showed it to the
Mr. who knew it immediately to be his property - and
is the same over shown qd. he had lost in 1832 -
values it at 5^l. —

X
has seen the Dr^r at 10 or 11 o'clock at night seven so late
as one o'clock - this as well before as after the larceny of
the article - Mr. has asked him his business, but Dr^r never
made him any answer —

Solomon

Solomon Chapman, about the 7 Augt last he was at a search made in the house of the Dr^r on 7 Aug^r last the tool now shown was found in the trunk of the Dr^r and Carter on seeing it claimed it as his -

x^o

It was W^r who first found the tool - W^r did not know it - but Carter knew it immediately - it was a Carpenter's chest in wh^t tools are kept. The wife of the Dr^r opened the door of the shop - and when also opened the trunk in wh^t the tool was found

Beny^m Delisle high Constable, re^d. The tool was rec^d at the police office at the Dr^r & it has remained in his possⁿ ever since -

Defence -

James Conway, is a Carpenter & lives at Lachine for 3 years last May - is the Carpenter of Dr^r for 2 years past as wheelwright & Carpenter & as such have occasion for a Spoke Share - the Dr^r has been in possession of the Spoke Share in question for 18 months past - He that Robt Grant who sold tools at Lachine, and has offered to sell tools to W^r. The Dr^r used this tool in a public manner before the people who were going & coming to & from the Shop - and was seen Peter Carter comes into the Shop - and might have had occasion to see the Spoke Share in question - never saw Dr^r take any precaution to conceal the tool considers Dr^r as an honest man - he can make tools

and

was similar article in his possession P^r reproached
Cartier for having made a search at his house in
his absence -

Maurice O'grady knew the late Mr Robt. Grant of Lachine
who is now dead - he was a merchant - he had
carpenter's tools in his shop for sale -

The P^r shop was on the public road - & near the
landing place of the steam boat - he knew P^r well
he has been at Lachine always considered him as
an honest man -

Owen Kelly - lives at Lachine for last 13 years - was present
at the search at the P^r - P^r Cartier was there -
M^r Cartier claimed a shovel which he said had
been stolen from Mrs Whitney, it had Cartier said
the shovel had a corner broken & that he knew it
but a man then said, he had broken off the corner
& that it ^{did not} belonged to Mrs Whitney - and the shovel
remained with P^r - Other P^r has a lot of 50 acres
of land, and seems to have a good deal of business.
Has known P^r 3-4 years - gives him a good
character -

James Boyes - Ks P^r & P^r Cartier

Peter Cartier - never took notice whether there were letters on the
tool, he cannot read or write - he makes marks on
it which he recognizes -

Verdict. Not Guilty.

Morday.

Monday 8th September 1834

Prest

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Gall-

The King. —
Thomas Goodman } On Indictment for murder —

^{Louis} Joseph Boucher, man in Montreal - knew D- saw him on 5 May last in S.L. Sub near St. Lemire's -
his house of Mr Patrick - street mignon - cross street from Patrick's - saw D. about 1/2 past nine a.m. - he is about 20 years of age - he had drank that morning - saw the P^r come up to the D - seeing a number of people assembled - heard a rabbit had been caught - the P^r came up to D. and asked what the master was - it was stated that D. had caught a rabbit at yard gate of - that Mr Patrick had claimed it, and that D. had struck her - Mr. & D had done wrong - Mr went away - and saw P^r run past quickly - saw that P^r holds D. by the arm near Lemire's - Mr went up to D. told him to go to bed a got sleep & that P^r was not a biffiff - asked a woman to be allowed to take D. into a yard to run off the attention of P^r - On this the P^r went off, after saying something to Mr - and went up towards the Côte a Bozon - That there is about 45 or 50 arpens, but may make a mistake, as he does not know exact of acres, from place where P^r quit the D. to house of Cadieux - thinks the P^r

was

was absent about $\frac{3}{4}$ hour. During of time H^r amused himself w^t D - ~~the~~ he did not expect the P^r again - was in point of going away, & contrived to go away also. W^r left D - never talked to another person & D. returned to same place when he had first met the P^r - ~~as~~^{the} P^r turned round saw P^r, had D by the arm & a gun in the other - the W^r went up & some people called out to P^r to go to D, as the P^r was going to kill him - W^r said was nonsense - on this W^r that it was proper to tell D. to go away, & he took D. by the shoulders, which P^r held the D. by the arm & H^r pulled back the D - telling him to go to bed, & to come along w^t him & not to go not. the P^r if he had any complaint to make he might do it - the D. made no resistance nor made any attempt to strike the P^r thinks the D. was so much in liquor as not to know what he did - on pull's back the D - he was disengaged from the P^r on this the P^r came up to the W^r. I wanted to give him a blow with the butt end of the gun, the W^r guarded off the blow, and on turning round, he lost his balance & almost fell, the D. was close behind the W^r and about 4 feet from the gun - the P^r drew back 2 or 3 paces and fired it at W^r and the D - the D fell immediately, was struck in the fore head - he saw the wound & that shot has penetrated his head, saw the blood flow - saw D. dead after - very

he had lived about $3\frac{1}{2}$ hours after the Dr. was arrested
the gun now shown is the same used by Dr.

The men saw the Dr. offer any violence to the Dr. & had
it not been for Mr. he would have gone w^t Dr.

x-

The Dr. did not appear a good deal agitated, & talking
much - heard he had a fight w^t one Decotis that
morning - when Mr. heard people saying that Dr. was
going to kill D. in street - Mr. advanced quickly to them -
saw Dr. hold D. w^t on hand, & holds his gun in the
other - does not know whether the Dr. said any thing to
him or not - drew Dr. by the shoulders & dragged him
out behind Mr. The Dr. then wanted to strike Mr.
w^t the gun - when he pushed ward off the blow
of the gun - when Dr. stepped back and fired -
after the gun was fired, some boys threw stones at the
Dr.

Josette Lapierre femme de Simon Lamouche - on 5 May last
heard Dr. never in the street - run to the door - lives near
Mrs. Patrick - saw children & Mrs. Patrick running after
a rabbit, & saw Dr. come up & run after it - saw Dr. w^t
the rabbit - Mrs. P. wanted to get the rabbit from Dr. -
a number of persons gathered together & they went into her
house - Did not see the Dr. there at the time -

It appears that Mrs. Patrick claimed the rabbit, & the
Dr. wished to keep it -

Ann Patrick - lived in St. L. I.ab on 5 May last - there was a small
rabbit q^t belonged to Dr. who lodged at her house - it
made its escape - the Dr. was not there - Mr. went after
it

The boys in the street run after it. — I saw a person run after it, who shot was then D did not notice he was in before — he caught the rabbit & she got it from him after some resistance — another person in the house came out seized the rabbit & took it from D — and run into the yard with it. The Dr followed who then followed & locked the gate — Mr D. ran after the person who had the rabbit in the yard — he seemed to be in a great rage and struck M on the face & the breast — The H P was not then there — The fellow drew much blood from M — then D — then left the yard — He wanted to force open the door, & the W opened the wicket and he went off — The M came into the house & washed her face — about 20 minutes after the Dr came home — The P saw the basin of blood, & also the face of M swollen — she told him what had happened — The Dr went out immediately, saying it was a pity, the fellow must be taken up — She did not follow Dr out of the house — M advised the Dr not to go out as he might be ill — said Dr observed, it was impossible he could have to be treated in that manner without taking notice of it. —

²
P^o is a married man — The D. insisted to keep the rabbit — and to take it away, as he had caught it and it was then his — The D. too appeared to be in a great passion — M bled much, & this occasioned much alarm in the house, at time the Dr came in — The wife of P^o was excited at the time & fainted — The son Dr say he would have D^o taken up, & that he would

would have the D^r taken up - when this happened
the D^r had 2 guns in the house but he took none
of them w^t them -

Tanner Leclaire, on the 5th May last, when he arrived, he
saw P^r running, but did not see the D - saw P^r
looking into every yard he passed - when he came to the
corner of Mad^e Laveigne - heard the boys call out - here
he is - here he is - the D was there, P^r went up to him
desirous to him - Did not know what he said - saw Boucher
there who was speaking & amus himself w^t D - the
P^r run off across the fields towards Mad^e Cadieux,
when he went away, Mr Lathers returned to Mad^e Cadieux.
P^r was gone about 1/2 an hour - saw him Dr some
back. the D was opposite Mad^e Laveigne's - When the
P^r came there, an old woman came out from St. Patrick,
who took him there - he staid there about ten minutes
& then came up to D, lay hold him by breast - anyone
to him come along w^t me - the D - went along w^t
him & the P^r quitted hold of him - That Boucher then
came up laid hold of D by shoulders & said he had
no business to jo w^t him, - upon this P^r took hold
of his gun & wanted to strike Boucher w^t the but end
of it, Boucher evaded the blow off & made a thrust
w^t his fist at the P^r the P^r then fell back a
couple of paces, and fired his gun at D - & struck
him in the front - the D fell - & died soon after -
some shot also struck Boucher - the P^r then withdrew
quietly -

There was a number of persons collected there - I saw Boucher

Boucher who pulled the D. from P^r & turn him a little behind him - it was then that the P^r fell back and fired his gun - saw Boucher make a blow at P^r but did not strike him - on this Mr O^r stepped back & discharged the gun -

Brigitte Parent - on 5th May last - about 9 o'clock in the morn. saw P^r coming towards the main street & towards her house with a gun in his hand - observed him to go up to D. & she observed he is going to kill the man - saw P^r had hold of D by the arm - saw Boucher touch D. by the shoulder on this P^r stopped back 2 or 3 steps back & fire his gun - immediately the D. fell down. Mr P^r then came back, & she could see he has killed the man in the street, on this the P^r presented the gun at her, which made her fall down. Cannot say at what distance she then was from the P^r & D. but saw clearly all that happened.

x-

Mme. Lavigne, the day D. was killed, M saw P^r come out of Boucher's house w^t a gun - Mr went to see what he was going to do - saw P^r lay hold of D. to take him away - D. went with him - Boucher took D by the shoulders turned him around - on this Mr P^r withdrew a little & fired his gun & D. fell - he w^t the discharge on the left side of the head - then P^r then went off w^t his gun - the P^r came to the Court House with 2 other persons - M was afraid to approach

approach as he had still his gun in his hand

+

He was within a few feet of D at the time -
the Dr. said he wanted to arrest D to bring him
to the Court House - I am Boucher there - did not
hear that D had been arrested before -

Did not see Boucher make a blow at the Dr.
did not see Boucher stumble or lose his balance -
Did not see Dr. make a stroke at the Boucher w^t the
butt end of the gun -

Joseph Corbeil, was present when D. was killed - saw the Dr.
coming from the main street - he had nothing in his hand,
he come up to where D. was - that Boucher come up &
spoke to him - in about 10 minutes the Dr. went toward
Mme Cadieux, saw him opposite her door - there may be
2 or 3 acres from Cadieux's to Rue myronne - he was
gone about half an hour - came back w^t a gun - saw
an old woman call him to go home to Patricks - he went
w^t her to Patricks - remained there 1/2 hour or so minutes,
saw him come out from Patricks - the Dr. put a cap upon
the lock - & went towards D - and took hold of him
by his jacket, telling him to go w^t him - the Dr. stopped
consenting & came 7 or 8 steps w^t D - when Boucher
came running up, laid hold of D by the shoulders
told him that Dr. was neither back nor frontable
& D had no right to p w^t him on this the Dr. raised
the butt end of the gun in order to strike Boucher
who avoided off the blow and made a blow at his
fist at the Dr. telling Dr. to keep off - the Dr. thereupon

JUL

fire back & a 3 steps and fired at D. L. Boucher
the D. fell immediately, and died about 11.00 A.M.
on this Dr. went from Rue Mignonne into the
main Street. There were several persons assembled
who cried out, he has killed him - he has killed him -
when Dr. went off

Antoine Voyer is ^{uncle} of Frank Edwin Voyer who died in July
last - on 5 May last, heard a cry that a man
was going to fire on St. Amour - was occupied at
the time & told the persons who were passing to
follow the person & take the gun from him - while
he was in the house heard the report of the gun
he went out, & heard the people cry out he is
dead, he is dead - He went to the place where
he heard the report of the gun & met a man who
had a gun in his hands - He asked the people
if they were going to allow the man go away,
when the Dr. was opposite the Mo. he had an
intention of stopping him, but did not advance
seeing it was a double barrel gun - The Dr. pointed
his gun at the Mo. telling him to stand back
saying, I have got one ready for you - The Dr.
was then coming from Mignonne's Street towards
the main Street - there were a number of persons
following the Dr. Was told he had gone voluntarily
to the Police office -

Heas said the Dr. deserved to be hanged & may have
done so if none in even found he would hang him himself.

Dr

Robt

Dr. Nelson - surgeon in Montreal - on the 5 May last, he happened to pass near the Rue Mignonne - he was informed a person had been shot - went there saw Mr. D. lying on the Street on his back covered w^t dust & blood - he was still alive - he was wounded in the face and forehead w^t shot - that at first he might not be dangerously wounded - he examined the wound & found several grains of shot had passed the skull - there was much blood on the ground - he was satisfied any further assistance was useless, as the man was mortally wounded. About an hour after Dr. Bourneau came to him & he had seen the Dr. asked if someth^s might not be attempted for his relief. Went to the house but the Dr. was then expiring & died while they were there - Was called to the Coroner's Inquest w^t Dr. Bourneau several days after - They opened the head, found that 5 grains of shot had passed the skull & entered the brain - several grains were scattered about the face & head, 2 in the breast & one through one of the eyes & one thro' the nose - thinks the 5 grains of shot that passed the skull and entered the brain caused the death of the Dr. The shot was of different kinds. Dark Shot, fowling shot and 2 Goose shot were found in Bourneau's arm - Saw no other wounds or marks on the body of the Dr. to induce a belief that his death could have happened from any other cause - They saw no marks of bruises,

but

but as the body had been in the water some days,
these marks might have been suffered -

The ex. of the body of Dr. was made in the
Church yard at Langres - from the wounds
so observed on the body, he believed the body to
be the same - could not tell by the face -
He has a knowledge of men dying after receiving
blows in fighting - instances 3 Soldiers - It
is possible the D. may have died from wounds
he had received in fighting in the morning -

P
There no doubt but the shot of entered the
brain caused

Theophilus Bourneau - Surgeon in Montreal - on the
5 May last, was called in to assist Dr. D'Amour
in saving him in Rue de l'Alouette - he was without
sense - covered w^t blood & a gun shot wound
in his forehead - was in a state of stupor - that
he could not live long - but that he would return
soon after to see if any thing could be done for
him - Went to Dr. Nelson who was extracting
shot from D'Amour - asked if any assistance
could be given - went with Dr. D. with
tripping instruments - but when they arrived
he was expiring - & died before they left the house

was at longueuil a few days after, the body had been taken up & near the grave - he recognized the Dr. by his face and the wounds - they opened the head there were 5 openings in the skull, a great discharge of blood - this wound was mortal, - there were shot of different kinds -

F

A man may come by his death by blows he has received in fighting -

Benjn Delisle - High Constable - saw Dr. come with Police officer w^t a number of persons. He had a double barrel gun w^t him the same now produced, one of the barrels is loaded, the other is discharged

Defence

America Watts - lived at Mr. Patrick's in May last - Dr. lodged there, a rabbit belong^s to him escaped from the yard - W went out & from Patrick's soon others went out to catch the rabbit, many persons were running after it - Dr. caught it - Mr. Patrick demanded it from Dr. he refused to give it - Dr. D. was on a great passion - We watched the rabbit from Dr. & run into the yard with it - Dr. followed into the yard - pursued the Dr. who let the rabbit go - go ^{quickly} went into a shed - I saw Dr. strike Mr. Patrick - sh. Dr. he would detain him till he could have him arrested - he went to close the yard door, on this Mr. Patrick opened the door & let him out, soon going out the Dr. gave Mrs. P. a blow

in the face - he had also struck her in the chest
on the chest - Mr P. bled much - M^r was
much alarmed - The wife of the Dr. came down stairs,
she is a delicate woman, & was then pregnant, she
was much alarmed at seeing the state in which Dr P.
was - The Dr. came in, and went out again to
enquire who had done the deed - went to a place
where many were assembled, dashed where the man
was, a young girl went & shamed Dr. L. P. followed
the Dr. & found him in a yard where the D. was -
that one Baucher prevents him from taking the
D. - & Dr. then requested M. to have an eye on Dr. L.
he would go get a constable - or the Dr. went
to the side a Baron, where M. followed the
Dr. for 2 or 3 streets - When the Dr. returned from
the Baron he had a gun w^t him, and the
M. accompanied the Dr. back to Dr. Patricks'
on his way back she saw a crowd assembled -
The Dr. went up stairs to get some money - and
went out again - The M. requested of Dr. if he would
go out again requested him to leave the gun, in so
he would do no hurt w^t it -

x²

Dr. was not at home when this happened - came
home about 25 minutes after she accompanied him
for about 15 minutes after saw his way to the a
Baron - it was 20 minutes after when he came back

Joseph Deswelleau - Name D. - saw him the 5 May last
about

8 a g o'clock in morn - he was in liquor he
had been fighting that morning a little w^r vs. W^r
was only a little in liquor - parted good friends
with him -

Franc Beauchamps - saw D. on 5 May last before the accident
he appeared a little in liquor - he was disposed to fight
made a great noise in the street - he fought w^r one
Deukane - & he challenged W^r to fight - he was known
making a noise - he never saw D. but in liquor -

Marie Charpentier - knew D. - saw him 3 or 4 times - saw him
the day of the accident, when he came to quarrel at Mrs.
Patrick's - he appeared quarrelsome - he came into her
yard & she told him he would better go away -

Ann Patrick - was at house when Dr. came to the house, and said
he wanted to get money to go for a constable - there
were 2 guns in the house - when he went out he
said he wanted to go for a constable - was afraid
on his going out that he might meet from some injury from
the number of persons assembled - Dr. said he was going
to take the D. to goal - that he would not hurt him
strode the gun for his protection -

Mr. Ball
~~Henry Stevens~~ Gunsmith - to Dr. who employed W^r to repair
2 guns for him about the end of March or beginning
of April last - thinks that a load discharged at a
short distance would not scatter the shot above 50
inches - if the gun was discharged in turning round it
might scatter the shot -

When ^{there} is much gun powder in a gun it will
scatter the shot more —

That a gun by a strong shock given it might
go off without touching the trigger — and such
a gun as that now shown might go off very easily

Randall Kent — on May last, he lived in Mr. Adams' house
know Dr. who was in habit of going daily to house
of Mr. & used to fire at marks — knew his own
gun — was absent from home on 5 May last
There were other young men who used to go to
house of Mr. to practice shooting — some of them
had left their gun at his house some days before
it was a double barreled gun — it was left loaded.
Mr. does not think Dr. is much acquainted with
fire arms —

That some of the guns w^t percussion locks are
very apt to go off upon slight touch —

John Green — Is Dr. in habit of frequenting Mr. Kent's
house — Mr. goes out shoots frequently, has found
at a mark w^t him — had been firing at a
mark when Dr. came to them — Dr. took a gun
fired one shot, the gun was loaded again & while
standing then the gun went off by itself. Dr. the
P^r would not believe until he has tried the same
to ascertain it — This sometimes happens, that guns
go off by accident — The gun in question is probably
easy

easy to go off, as he knows it well - belongs
to Mr Cleatus - the gun was left at Mr
Kent's charged

x

Knows the Dr had guns at his lodgings -
and has seen Caps w^t the Dr ^P That without
the Caps being on there is no danger of gun being
discharged -

Robert Lovell, was in St. Luke on 5 May - saw Dr run
to take a Baron - saw him come back - when he
came back thinks there was a man w^t him -

I saw a man ^{Boucher} take hold of the Dr & turn him down
saw also the ^{same Boucher} ~~other man~~, hold up his clenched
fist at the Dr ^{*} on this the Dr lifted up the gun
& threw this ^{Boucher who} Baron, he shoved round the gun, &
while they were struggling w^t the gun, it was
turned round so that the muzzle was towards
the Dr & Boucher, & when in this position Boucher
gave the gun a turn round in the hands of the
Dr when it went off

x

It is 16 years of age since in May 1791 his brother
has spoken to him of this matter. They were only 2 or
3 men at the time present - There was no persons
between him & Dr at the time - he may not recollect
all that happened -

That Dr Boucher now produced is the man who
wrestled

Mr. P^r for the gun - That Bonham pushed
the Dr. out his open hand - did not take particular
notice of all that passed, as he was looking for his
brother at the time -

Johanna Kenny, was a servant of Dr. in Gray last -
knows that at that time Dr had two guns in
his house -

Mary Anne Gray - lives at Mr. Timmen's who lives
in St. Lub. de Cath. Street - saw Dr at Mr.
Timmen in St. Gray last about 9 o'clock in morn
he asked for Mr T. He was not at home & Dr
did not say what he wanted - Mr T.
keeps a grocery shop - & sells liquors -

Alex^d White Clerk of Peace - it is customs 2 or three years
ago, all the Tavernkeepers were sworn in as
Special Constables, but this has not been done
since -

Joseph Mathew Hart, hs Dr saw him on morning of
5 May - he was going into Gravel - he had a wound
on his head a bore a swelling - thinks it was
occurred by stones - there were 2 or 3 workmen
on the Dr's head -

Cannot say how long the contusion had been
on Dr's head -

Lunes

James Duncan - Rs Dr - he occupied apartment in his home before 1 May last - saw him the morning of the accident & upon it - he had no blow or marks on his head then nor was his hat out -

The Dr. was a man of peaceable and unoffensive character -

The conversation he had w^t Dr. was that he wanted to get the key from the Dr. of the apartments he had occupied from Mr. and the Dr. went away in order to get the key -

Dr. had his hat on & did not see any contusions on his head

Anthony Lyons - attends at Post office, to Dr. he called at Post office on 5 May about 9 o'clock - he took off his hat & wiped his face w^t his hand. It had a letter for him - but told Mr. to keep it as he had no change - When Dr. took off his hat there appeared no contusions on his head - Mr. has known Dr. for 2 years, is a dancing Master - and always enjoyed the character of a peaceable unoffensive man -

James Young, must Rs Dr. for about 2 years - he has always borne the character of a quiet and unoffensive man - This was generally observed of him

Arthur L. Ford - Knows Dr. for about 1 $\frac{1}{2}$ year since he
is here. Daughter of Dr. keeps a boarding
School, at Dr. attended as a Teacher, he always
conducted himself as a quiet & unobtrusive man

John Jordan Esq Dr. for 2 years since he has been
in this Country - he never heard any thing agt
him, he was always considered as a quiet and
peaceable character -

Joseph Peltier Esq Dr. for about 2 years, he is a man
of a quiet and peaceful character -

Edward Haskell Esq Dr. for 7 years here son the
old Country his ch. has always been irreproachable
and always considered as a quiet & peaceable
man -

^{Lorenz} Baron - Esq Dr. from he was in the Country. He
is a decent quiet well behaved man &
enjoys that character -

Here the evidence for the Dr.
was closed -

Mr Grant for the Dr. contended that
if the gun went off by accident, the Dr. ought
to be discharged - and if by design, it
would

could only be Manslaughter as he had been ill treated, & a great offence had been committed & he was protecting himself at the time from the assault made on him by Bonner -

The Court directed that the Jury be committed to the charge of the Sheriff to keep them in some convenient place and to return them into Court to morrow at nine o'clock in the morning to which hour the Court adjourned

Tuesday 9th Sept. 1834

Bes-

Ch. Justice Reed
Ch. Justice Pyke
Ch. Justice Gale

The King
Thomas Goodman?

The Jury having been returned into Court and being called over, were charged by the Court -

Verdict. Guilty of Manslaughter -

The Court immediately pronounced Indictment against the Prisoner to be imprisoned for 6 months in the common Gaol.

The King
Jane Hughes } Our Indictment for Murder of her
bastard Child

John Adams Converse, lives near Montreal - The Dr came to his service same time in latter part of March she stated herself to be unmarried - she entered on Cork - It was generally believed ^{at first} that Dr was pregnant - She left his service about 22 June last - The impression of her being pregnant increased until time she left - After she was gone there was something found in the privy which created suspicion of Dr

X
It had no occasion to complain of her conduct until towards the end of her service

Catherine Dolard - was last spring in service of Mr Converse & had been there ^{2 months} before the Dr came there - At this Dr took the place of W^r in the Kitchen - She suspected from appearances that the Dr was pregnant, but did not speak to her of it - Her suspicions increased not so much from the size of her body as from the manner she did her work, particularly in washing, as she work the tubs up higher than usual - about the 20th June she appeared very large - On the 23 June she remarked a great change in the health of the Dr observed 2 days after she had diminished in size - & about that time the Dr left the service of Mr Converse - On Tuesday night Dr went to ^{town} about 6 PM in the evening - on Wednesday she took a dose of salts - she did not complain to the W^r on the Monday after the Dr left her service - The day before the Dr left W^r found in a dark room above her

her room & the kitchen - she observed the half of a sheet
of - the child was, being bent up of Dr - covered the
cloaths - it was much stained with blood - Does not
M^r know if he had discovered this -

on the trayway the M^r suspecting a child had been born
she said. the bed of Dr found it stained same as the
sheet - there was a pillow & sheet on the bed were
also stained - when P^r came to house, she was to sleep
w^t M^r but Dr was desirous to sleep alone & did always
after sleep alone -

as she suspected that a child had been born - she found
in a cellar a carpet - it was generally used on kitchen
floor when washed & found blood on this carpet - she
then went to the privy, and with a mattock she beat up a
piece of carpet of they used to lay near the stone - she
afterwards beat up the child, and the arm of the
child fell out of the cloth in of the cloth in of the
child was - she at last could not get it out without
injury - she observed that it was a male child, and
dead - it was tied up w^t the four corners of a sheet,
she knew this to be the one half of the sheet she had
found in the dark room - the face of the child was
covered w^t the sheet - on this M^r gave information
to the family - was present when Dr Arnold examined
this child - the face of the child appeared to be upwards
sliding on its back - the mouth ^{years} of child was filled
w^t excrement - there were no marks of violence on it -

was present when Dr left her service, did not think the
Dr had come to the town until after she returned from town
when she informed her mistress that she conceived she had
been relieved from the charge in her presence

P.

She is not a married woman -

There was 2 beds in bed room of Mrs. & the Dr. lay on one them separate from Mrs. altho' this was not allowed and Mrs. Dr. would not allow sheets for this bed, altho' she knew that ~~the~~ S. Dr. slept there - The Dr. slept only 2 nights w/ W. all the time she was in service -

Did not ex. if there was any marks on the lf sheet she found in the Cellar & about the Chats - The pillow & couvre pied on the bed were stained -

The witness missed a bit of law, she suspects Dr. of taking it and searched her bed -

From the Tuesday to Sunday, when she found the sheet the Dr. did her work as usual - even harder than before - The Dr. went to Church -

The Dr. could have gone into the dark room without the knowledge of W. The W. was house made worked mostly up stairs & might have put away her child in many ways -

I swear, there was dirt, a exrement on the mouth of the child when she took it up - The baby tied up -

She did not think Dr. had come to her time, until the Monday when she felt she had - That the Dr. would have gone away to be delivered -

The week after the Dr. came to her she saw the Dr. suspicious the Dr. being pregnant & she increased very much - Therefore the Dr. come stays until she went away -

Frt. Cornelius ^{the} Arnolde, surgeon holds a diploma from Edinburgh
W. called the Coroner to see the Child - Mr. Converse.

both

told Mr. that a dead child had been found on his premises - told him to call the Coroner - he went afterwards w^t the Coroner to insist on his going - his request was held, and Mr. was shown where the child had been placed, it had been washed, & put in a tub. thinks last Mr. showed him the child - removed it to an out house - was told the child had been found in a privy - upon child, find no marks of violence on it - the child was of full term - no appear^s of putrefaction externally - examined the body - the lungs were extended - & pieces of them being left in water they floated, & separating the lungs from the body some blood ran out - He explained to the Coroner's Jury, that the floating of the lungs was a presumption the child had breathed, but if it had snak^s that child had not breathed - tried every means to ascertain the means of the lungs floating - Expans^d. the passages from the mouth - & introducing his finger far into the mouth, found something like gravel like sand or very fine gravel on it - descended the gullet - again detected gravel or very fine sand - on a supposition the child's mouth might have been filled w^t this material by accident after before its death - examined Stomach & found same matter in the Stomach, and that massyly that this must have come there by being swallowed - Saw Dr. some days after this in ^{prison} - she admitted she had been delivered of a male child sometime before at Mr. Corruse's -

X

There was no person present when he spoke to the P.^r in jail - the first thing he P. what in the world has tempted you to make you such a fool of yourself? - she answered good

by demanding - Good God have they found it out -
he cannot say that this referred to the birth of the child
but he thought so - The Dr. did not answer in terms,
that ^{an} aman child was ~~surviving~~ of her body - but on the
contrary said it was born dead -

The amount of her confession was that she had
been told to bid of a dead male child -

The skin of child was white - the nails were full
grown - The head well covered with hair, and
must have weighed upwards of 7 pounds the usual
weight & the after birth was as large as usual

The whiteness of the skin could not proceed from the body
having been immersed in saline matter or having been
washed - the discoloration of the skin arises from putrefaction
of the bone was none -

By Found there was no putrefaction in the lungs -
cut pieces, & floated in water - there was no crepitus
~~in~~ the lungs - he separates the heart & lungs of
had breathed - both lungs floated - The lungs did
not completely overlap the heart - The lungs were
of reddish gray, & under part a little more turgid

The body was discovered about 8 days after the birth
as from this did not expect the lungs would float
as the lungs are the last thing which decompose next
the bones - lungs that had never breathed cannot be
made to swim in water a little sooner -

Does not think in this case that sand could have
entered the mouth, gullet & stomach of the child, must
have caused its death - the amount of it was about
a tea spoonfull - This he thinks must have been taken
in by degrees - the child was choked - This would
not

nor always leave occasion convulsions &c would leave some
very marks -

A child of 8 months might have the same appearance of
growth, but would not weigh so much -

A woman delivered of a child standing up & dropping the
child on a sandy floor, & the mother fainting, the child
might swallow sand -

Defense

Wm Robertson - Surgeon & Physician for 30 years -

practicin Midwifery - does not think that a new
born infant can swallow ^{dry} sand &c, sand may be
conveyed mixed w^t some fluid to the Stomach of
a newborn Child -

It is the easiest means to inflate the lungs is to introduce
the finger of the into the mouth -

The floating of the lungs may be effected by the
mother breathing into the mouth of the Child -

There is a good deal of岐巧 taken in a woman on
delivery particularly on first occasion -

The natural affection of the mother for her offspring is such
as to tend to make them endeavour to preserve their children
A child may make an effort to swallow, & make swallow
sand mixed with the fluid issuing from the birth -

It is not an uncommon case at all for a child to die soon
after it has been born & breathed -

John Racer - D. M. a child new born may be swallowed with
fluid - it is not probable he could swallow dry sand -
It is a common thing for a new born child to die after it has
breathed, particularly when born in collar & when woman
has

has no assistance -

— A mother has always a certain affection for her child, whether legitimate or otherwise -

— Natural to think a mother would rather take her child to the foundling hospital rather than kill it -

— The floating of the lungs is not always a sure rule

X

The child must have breathed before it could have swallowed sand -

Thor Walter Jones - Dr. Medium - does not think that a newborn child ^{could} swallow dry sand -

— The child might swallow sand mixed with moisture at the birth, & by making the effort ^{much} to die -

— The children often die off soon after breathing -

— One or 2 respirations are sufficient to make the lungs float -

— The affection of a mother is extremely strong -

— There is a foundling hospital here for foundlings -

James Bill Johnson -

— Thinks the child might have swallowed sand with the fluid of the mother - cannot say that this would cause the death of the child - It is not uncommon for the child to die soon after having breathed -

— Does not consider the floating water of the lungs to be infallible

Gro Wm Campbell - D. M.

Verdict - Not guilty of murder, but guilty of concealing the birth of her child.

The King
In D^r Fournelle } On Indictment for stealing privately
from the person to the amount of
four shillings and nine pence —

The Prisoner on his Indictment pleads Guilty

Wednesday 10th Sept. 1834.

Present

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Gale.

This day the Prisoners who had been convicted during the session, were brought up, and the following sentences were pronounced —

The King	On conviction for petty Larceny.— Judge— Confinement in Gaol for 3 months
Donald McDonald }	
The King	On conviction for stealing above the value of forty Shillings in a dwelling house.— Judge— Confinement in Gaol for 8 months
Joseph Chartier otherwise called Jos. Robert— }	
The King —	On conviction for petty Larceny.— Judge— Confinement in Gaol for 3 months
Patrick Baker — }	
The King	On conviction for Grand Larceny.— Judge— Confinement in Gaol for 6 months
Henry Harrison — }	

The King
Louis Geo. Salanne } On conviction for Forgery.— on two separate
Indictments.—

Judge of Death was recorded agt him, to
be executed on the 5th December next.

The King
Isaac Jackson }

On conviction for Petty Larceny
Judge Confinement in Gaol for 3 months

The King.—
Emelie Dalcour }

On conviction for Petty Larceny
Judge Confinement in Gaol for 3 months

The King
James O'Doherty }

On conviction for Grand Larceny—
Judge Confinement in Gaol for 6 months

The King
Joseph Laplante
Joseph Richard
Simon D'Hele,
Toussaint Ouimet
otherwise called, St.
Luc Ouimet

On conviction for Grand Larceny
Judge Confinement in Gaol for 6 months

The King
Joseph Audry }

On conviction for Grand Larceny
Judge Confinement in Gaol for 12 months

- The King
Michael King } On conviction for Petty Larceny -
Judge - confinement in Gaol for 3 months.
- The King
James Balles } On conviction for Grand Larceny -
Judge - Confinement in Gaol for 6 months
- The King. -
In Po^t Fournelle } On conviction for stealing privately
from the person to the amount of £ 9
Judge - Confinement in Gaol for 6 months
- The King
Jane Hughes } On conviction for concealing the birth
of her bastard Child -
Judge - Confinement in Gaol for 12 months
- The King
Thomas Goodman } On Conviction for Manslaughter -
Judge - Confinement in Gaol for 6 months
- The King
Olivier Brien & Durocher - } On conviction for Murder -
The sentence in this case was pronounced
the day the Dr. was found guilty