Gentlemen of the Grand Jury.

You are called together before this Court as the Grand Jury of the District to discharge an important duty in the administration of the Criminal law of the land, [illegible] and from the rank and means you are presumed to possess in Society, as duly qualified for this purpose — but as it frequently happens, that many of you have never been called upon to act as Grand Jurors, it is necessary that you should understand something of the nature and importance of that office, that you may be the better able to discharge the duties of it. —

you are selected

The law of the land extends its protection to the life, the liberty and the property of every man, and under this protection every good subject rests his confidence, and must feel satisfied, that while these laws are duly executed, he can safely and quietly enjoy those comforts of Society which his industry or his means can procure — But the peace of Society is often disturbed by men of worthless and vicious character, many of whom, not satisfied to acquire a livlihood by honest industry, seek their subsistence by fraud, or by depredation on the property of their neighbours, while others, from feelings of revenge, or other inordinate motive, pervert the ends of the law, by using it as a means to harass or oppress their fellow men, by malicious or ill founded prosecutions — And as accusations for Criminal offences can easily be made, and may be wrongfully supported by undue influence, or the spirit of party, [illegible] whereby the innocent may be exposed to suffer wrongfully in their persons or property, the ends of Justice therefore require, that while the public ought to be secured against the Criminal Offender, some suitable check should be interposed for the security of the wrongfully accused. — It is here, that much of the value and use of a Grand Jury is to be felt and appreciated, as the law allows no man, however Criminal, to be tried or convicted of any crime, but by the voice and opinion of his fellow men, and requires, that they should in the first instance have cognizance of the Offence, and be satisfied, from the evidence they receive, that there are sufficient grounds for the accusation. Thus the presumed guilt or innocence of the accused rests not on the opinion of the accuser or of the Court, but upon that of his fellow men before whose tribunal no innocent man can dread to appear, and from which no guilty man ought to escape. —

Vested

Vested with this power of inquiry into all such accusations as may be laid before you, it must be apparent to you, how provident the law has been, to regulate the safe course of Criminal Justice, while it imposes on you, as a Grand Jury, the important trust of watching over the best interests of your fellow subjects. —

Under this impression, and the obligation of the oath you have taken, we must necessarily presume, that every consideration will be given to such matters as may be submitted to you, and as many of these are of a nature to affect the lives and liberties of the accused, that you will examine them, with the feelings and impartiality of honest and upright men. —

The Calendar of the Gaol presents to our view a number of offences of various descriptions, from murder to misdemeanor, which will require your more immediate attention, as it is desirable, that at every sitting of the Court, the Gaol should be first delivered. —

As your jurisdiction and right of enquiry extend over the district you are called to represent, and being selected from various parts of it, you will be enabled to ascertain whether there exist therein any evil practices or designs which tend to disturb the public peace, or to impede or arrest the execution of the laws. — As all laws are made for the peace and good government of Society, it therefore becomes the duty, as well as the interest of every member of it, to support and maintain what has been prescribed as a rule of his Conduct, while it extends its protection to all — This obedience to the law is of unceasing obligation, and binding on all men, and every attempt to elude or to resist it, must more or less disturb that established order of things, which constitutes the happiness of the people. —

We can, and ought, to appretiate the happiness of our

present

present condition — We live in the free exercise of all our rights — in the undisturbed enjoyment of our property, of its improvements and produce, and of the disposal of it — Our time and our talents are all our own — and we are restrained by no interference in any of our Social Comforts or enjoyments — And while our internal happiness is thus secured, ~~from~~ we are guarded from external violence, as a portion of that great family that finds shelter under the protecting arm of a just and benificent Government — In such a state of Society we must — reasonably believe and necessarily expect, that every man would be alive to the preservation of what he must thus appretiate, and that he would consider not only with distrust, but with alarm, whatever may tend to disturb or destroy those blessings of social life, so peculiarly his own —

As a Grand Jury, you may not only present whatever may interfere with the public peace and security, but as men whose condition and standing in Society, must give you an interest in it, you ought by your influence and example to restrain and put down, whatever may have this tendency or effect — While Justice is administered impartially to all men, and the wrong of the most powerful can be of no avail against the right of the meanest subject, an accompanying confidence must be felt in this administration of the laws, and a desire to maintain those principles of right, which constitute the strongest basis of society, and regulate the intercourse between man and man in it — We ought all to promote whatever is useful or beneficial for the public good — to repress whatever may tend to trouble its security or its peace, and to be zealous in the discharge of every duty attached to our respective situations in life, as far as our abilities or our means will extend —

Montreal 24. Febry 1835.

Criminal Sessions – February & March 1835.

Tuesday 24th February 1835 –

Prest.
Ch. Justice Reed
Mr Justice Pyke
Mr Justice Rolland

The Grand Jury being called, 14 appeared and were sworn – and afterwards charged by the Court. –

The parties & witnesses under recognizance were called over. –

There being no business before the Court it adjourned till to morrow at nine o'Clock A. M.

Wednesday 25th Febr.

Prest.
Ch. Justice, & Justices Pyke & Rolland

The King
Henry Furnell } On Indictment for Larceny. –

Joseph Lamouche, in Decr. last he lived ~~at~~ wr Joshua Bell, was foreman in his Shop – the Pr lived there at the time as Servant man – he had no business in the Shop – Knows that Bell kept his money in a small pkt book in the Shop – on a friday morng Wr was late & Pr opened the

the Shop — when W. went in found Pr who had overturned the pkt book on the desk, when Pr. had been writing something — the Wk. exam'd the pkt book on the friday morn's found 21 dolls — on the Saturday morn's he counted again found only 16 dolls asked Bell what money he had — s. 21 — W. there are only 16 — Saw Pr. in the Shop on the 20th Dec as well as on the 19th — when W. counted the money on the 19th the Pr. was present — when the money was wants suspicion fell on the Pr — he was questioned denied hav's taken it — H. Constable came & the Pr then acknowledged that he had taken the the 5 dolls bill, & that the change found on him was the remainder of that bill — There were other men in the Shop, but Pr. was the only man who knew that there was money in the pkt book —

X —

There were other men who came to the Shop w^t their work

Joshua Bell — resides in N. D. Street in Montreal — the P. was in his service last fall — he was told on the 20 Dec last that some money had been stolen from his shop — Lamouche asked him what money he had in his pkt bk — P. 4 - 5 dolls bill & one 1 dolls — P a five dollar bill was missing — the W. accused the Pr who denied it — but satisfied he was the thief he discharged him — he had not then missed the 50 ct bill till Sunday — he made no promises to the Pr — no person had any business in the room where the pkt was. as it was a room off the Shop —

W.

Ws sent for high Const. on Sunday evg who arrested the Pr he was searched, and gave up a part of the money saying it was the remainder of the 5 Dollar bill — Ws. was trying to induce the Pr to give an account of the 50 dollr bill for gt he had been arrested the Pr acknowledged having taken the 5 dollr bill but said he knew nothing of the 50 dollar bill —

x

Benjn Delisle high constable, on Sunday 21 Decr last he was sent for by Mr Bell to arrest a person who had robbed him, arrested the Pr he delivd to the Ws a 30 sols & 7 1/2 in copper — saying it was the remainder of the 5 dol bill he had taken from Mr Bell — this confession was free & voluntary — This was in Mr Bell's house — Bell, his wife & fireman & some others were then present — That Mr Bell said he had better tell the truth that it would be better for him — That when the Pr came out of the room where Mr Bell had been wt him he delivered up the above money and made the acknowledgt — the Pr delivered up the money before he was searched —

xd

That the Ws told Pr he had better give up the money but he made him no promises. —

The Evidence for the Crown being closed, the Pr being called upon, offered no evidence on his part

Verdict. Guilty —

Thursday 26th Febry 1835.—

Present
Ch. Justice, & Justices Pyke & Robland

The King.—
George v. McConnell } on trial of Indictment for Perjury—

Theodore Davies, lived at Regault previous to 1832 knew Enoch & Moses Holt who lived at Hull Lumber Merchts— they failed in business — Wt was then one of their Creditors to about £60 — They left the Province in 1827, without pays Wt — Heard they had made an assignment of their property to the Defendt who resided opposite to Hull in U. C. Defdt took possn of the farm of the Holts after their departure — in Hull. No 87. in 2d concession — Wt was advised to take recourse agt this property — an attachmt was sued out attachs the property of the Holts in the hands of Defd — The result of qh was not favorable to him.

Robt Lester Morrogh, one of the Proths of the Court of K. B. Montreal, & was such in April 32 — has in his possn the Record in the Case Davies v Holts & McConnell T.S. — qh he now produces — There was an affidavit by last Wt of a debt due by Holts to him of £65 — & that they had secreted their effects wt intent to defraud & that he had been informed that there were goods & effects of the Holts in the hands of McConnell & prayers for a Saisie — arrest in the hands of McConnell — affidavit dated 8th March 1832 & a fiat for the writ signed by Mr Justice Pyke — The writ now produced was issued —

The

The Sheriff returned this writ served on the Defendts Holts and also on the sd. Geo. McConnell — On the 2d. day of April 1832. McC. appd. & made his declaration — he was sworn in the Court on 2d April 1832 — and made the following declaration — that he had a number of notes & acctt. of several persons due & owing to the said Holts, but that he had noths in his hands, nor did he owe any thing in his hands belonging due or owing by him to the sd. Holts — The said McConnel signed the said declaration. — The Jurat is signed by the Prothy of K. B. as taken in open Court. —

It is customary to take the deposition in the office but the the party is sworn before the Court. the — deposition is in the handwriting of the one of the Clerks of the office — cannot say whether he was present or not when the deposition was written —

Enoch Holt — previous to 1832 Ws & his brother Moses resided near Hull they did some business together as partners — they became indebted to Th. Davis of Chatham to about £60 — Ws & his brother afterwards left the Province without paying him. but took steps for payt of their debts — they made a transfer of their property to the Defdt — by bill of sale before Wilson N. P. in U. C. the property was delivered over to Defdt — it consisted of a lot of land No 17. in the 2d range of Township of Hull, wt a house & barn — & might be worth about 3000 dolls — The bill of sale was delivered over to the Defendt — in U. C. —

Andw Wilson — lives in Hull — in 1827. he lived in U. C.

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a Notary public — Was called by Mr. Holt to make out a bill of sale to D. — the bill so made was handed over to Defdr. it is not customary to keep the original The copy offered to Ws. to prove the same —

Here it was objected to as insufficient — as no notice given to produce the original —

2. Russel. 676 — no distinction between Civil & Criminal cases as to the production of papers or of secondary evidence. — 2 T. Rep. 201 — & on note — 3 T. R. 306 —

The Court rejected the evidence —

Enoch Holt — The Ws. & Mr. Holt left sundry ~~effects~~ property to Defdr. to pay their the value of the farm was £600 — a quantity of hay about 30 tons at 14 dolls. p ton — a small quantity of wheat some oats — some peas, Corn & potatoes — 3 horses 2 Cows — 2 pigs — beds & bedding — & kitchen utensils all these things were left wr. D. as their property & for the payt. of their debts — after this Ws. & his br. went to the States wr. intention to remain there till their affairs were settled — he recd. letters from Defdr. while in the States — which he now produces — one dated 29th Feby 1830 in handwrit of Defdr. one dated 12 Jany 1828 — last letter was read to the Jury — this letter refers to the property which Defdr. states he had bought from Mr. Holt —

In 1831. Ws. & Br. returned to Canada in 1831 having understood that Defdr. had not paid any of their debts but held their property — saw Defdr. asked what Ws. meant to do — Ws. made an offer, qt. Defdr. ~~accept~~ refused

to

to accept — offered to take back the property — but he refused — Wm proposed to leave it to men — he sd no — but if Wm would give him £600 — he would give up the property — Defdt went to Quebec — soon his return refused to give up any thing, & that Wm & Davis might go to the Devil, he would keep the whole — There was an arbitration however afterwards, by which it was decided that Defdt was to ~~deliver~~ pay to Wm £550 —

leave to Defdt the enjoyment he had had of it

This objected ~~to~~, as insufft evidence —

That on the 2d April 1832. the Defdt was indebted to the Wm & his brother in a sum exceeding £500 — That it was after this the arbitration took place —

xd

Is brother in law of Defdt — Since the law suit agt Defdt they have not been in good terms — Wm has never sd he would ruin the Defdt — In 1827 when Wm left the Province he owed a small note for £6 — to Defdt — Wm had made over his property to Defdt — for a consideration mentioned in the deed — while in the States he kept a correspondence wt Defdt — while in States, he was arrested for a debt — he gave bail — but was released — on his swearing out — he told that he had no property in that Country —

The lot he held in Hull was a lease lot — there were some arrears due on it —

S. W. Monk, one of the Proths K. B. says, that the Garnishee in the cause stated appeared in Court

and acknowledged his decla_ He was first sworn in Court went down stairs where his declaration was taken down_ he returned into Court signed his declaration and acknowledged it before the Court_ signed it in the presence of the Court_ the Defdt read the declaration himself, and he signed it in presence of Wits_ and the Jurat is in the handwriting of Wits_

Moses Holt_ previous to 1827 he lived near Hull_ and was connected wt his brother Enoch_ they became embarassed in their circumstances_ left the province & gave over their property to pay their Cdrs_ Mr Th. Davis was one of them to the amt of about £60_ delivered the property to Defdt it consisted of a farm & buildings estimated about £600 2 Cows, 2 horses_ some pork_ some hay, Carts sleighs_ & other affects to value of above £200_ these effects were left to pay off their creditors_ went to States in 1827 and returned about 1831_ Found his Creditors had not been paid_ Sent in one Benjn Holt to enquire into the business and to induce Defdt to settle wt their Creditors & in consequence of what Holt wrote_ Wt came into the Province himself_ Since he gave over his property to Defdt he has got back no part of it_ The Witn before he left the Province asked of Defdt

a

a writing that he held the property for the benefit of their Creditors — but he said, it would not do for him to give such a writing, as in that case they might as well leave the property in the road — that he could not then say the property was his — That he rec^d. a letter from the Defd^t. that he had sworn that he had no property belonging to the W^s & his B^r ~~but~~ that he would not give the property as them but that he would make them a present of a part of it — W^s. d^d he that that the enjoyment he had had property was sufficient — That next day they met to take over the business, when Defd^t. refused to shew any of his papers or part with the property — This he thinks was ~~after~~ before the ~~had~~ Defend^t. had made his declaration in Court,

X^d.

The property of the farm belonged to Enoch Davis — he bought it — The moveable property was in — Common between them — values the moveable property about £200 — besides the Notes — The Wits & his brother never were paid for the property they left w^t. D — he sent 10 dollars to W. when in the States — ~~but~~ on his promising to repay it, as he was directed not to write anything which might interfere w^t the property — When they gave the property to D. they acknowledged to have received the consideration for it, but never did receive anything from him — the intention was that Defd^t

shd

should pay their Creditors with it — The condition was, that on paying their debts he could keep the property as his own, and if there was any thing over, he might retain it as his own —

There was an action of trespass brot. agt the brother of Ws. as he heard, by Defdt. for entering on a part of the property —

It was a lease gt. his brother had of the property which was made over —

Benjamin Holt — Was told by E. & M. Holt that they had been unfortunate in their business & had been obliged to leave the province & that they had made over their property to Defdt. to pay their Creditors Ws. left the Province before them in 1826 or 1827. and on his coming back they told him that if Defdt wanted any assistance, to give it — Went to see Defdt. in his house on the premises in question & Holt he was taken ill at one time — Defdt. produced a deed gt he said had been made before Wilson of the property gt he read, and also a receipt which he said the sd. E. & M. had given him for the property, but he said this receipt was a mere sham to keep off the Creditors, until he could get time to dispose of the property — Defdt. was very ill at this time — sd he thought he was dying — he told Ws. where his writings were, sd. there was an unsettled acct between him & Peter Elon — & that if he wanted any inform.n about it his brother McConnel could give it him — Elon came over sd. the affair might rest as it was — wanted the property in U. C. to be sold —

as

as to the property in this side of the River, he sd the Wn knew as well about it as he did — that it had been put into his hands for the sole purpose of paying the Creditors of E. & M. Holt — Wn had some conversation wh him after his declr sd he had sworn he had no property of Holts in his possn — but the writings were made in such a way that he could retain the property as his own — this was in 1827 & 1828 — but D. has made the same statement to him since the Holts came back from the States — After they returned the Defdt then claimed the property as his own. —

xd —

The Defendt said he considered the property to be put in his hands to keep off the Creditors — and said he had a sufficient title to him for this purpose —

Robert Richards — in 1827 he lived in Hull, & knew the Holts & Defdt — was told by Holts they were obliged to leave the province on acct of their debts — was present the evening before the Holts went off — Defdt came into Holts, where Mr M. Holt asked Defdt an acknowledgt in case of death for the property which had put into his hands — Defdt sd he could not do that, because if the Crers knew that he could not swear the property was his without perjuring himself — understood from this that the Holts had recd no consideration for the property — after the Holts went away saw Defdt in possession of

the

the property they left — there was hay oats Cattle & other property to amount of £200 besides the farm —

Attn Genl. offers an authentic property of an arbitration bond made subsequent to the finding the bill of Indictment —

10 Sept 33 The Court admitted the bond to be read ~~in and to be admitted~~ but it appears not affect the point before the Court

Thomas Aimes. Ks that Holts left the province in 1827 — was in their service at the time — they left a farm, also cattle, Cows, & a quantity of moveable property — 2 Cows — £15 — 2 pigs — 3 barrels pork. 2 horses — 1 cart — 1 teaine, plough & harrow — 2 sleds & harness 7 oak chains — whipple tees — 30 tons hay 13 dolls ton — loose fodder — 50 bushels oats — 20 wheat 75 corn 150 potatoes — pease & beans — £276 — all this was put into possn of Defendt. before the Holts went away — it was on condition that Defdr should settle wt the Crtors in a year, so that in 2 years the Holts could come back to their farm —

X —

Saw H. M. Bulvert & Archd. Richards who were present that day & witn to the delivery of the property to Defdt —

Moses Idday. lives in Hull — ~~Defdr mentioned~~ since 1832 — Heard Defdr. say he had been called as a Garnisher

in

in a cause at Suit of Mr Davis. — Says that he was arbitrator in the case, & put the parties under oath to tell the truth, and proceeds thereupon —

This was objected to, and over-ruled by the Court —

Defence

Mr Hart moved that the Court should direct the Jury to acquit the Pr Defdt —

In construing a paper no perjury can be maintained

4. Black. p. 137. Note 23 —

2. Russel. 518

This was over-ruled —

It was then objected that the declr of the party as a tiers saisi had not been regularly taken — cite Jousse 1 vol. p. 109. —

This was also over-ruled —

Mr Armour addressed the Jury on behalf of the Defendt — and he was followed by Mr Hart —

Andrew Wilson — is a N. P. in U. C. ~~while there~~ K. Holts & Defdt — In 1826 M. Holt came to him to execute a deed for him — the deed now produced is in his hand writing & is the same he made out for the parties — proves his signature & that of the parties to it. —

The deed was read to the Jury — being a transfer of all the property & Estate of the Holts to Defendt for a valuable consideration —

That there is a Register office in U. Canada, in which the deed in question appears to be enregistered on 1831 —

Has lived long in the neighbourhood of Hull and

has

has known Defdt. for several years – he is an honest & industrious man and a religious man

&

There was no money paid in the presence of the Wits but the parties declared themselves satisfied. had he known there was any thing fraudulent in it, he would not have passed it. –

Theodore Davis knows handwriting of Enoch Holt – & believes the letters now produced are in his handwriting – letters were produced and read

1st. dated Bristol 7th Febry 1827 letter from Enoch Holt to Defendt – says nothing material –

2d. dated 12th April 1827 – in pt. E. Holt acknowledges the sale of the property & in pursuance to Defdt and the receipt of the value of it –

Edward Charles – Has seen the signature of the archdeacon Mountain from having received letters from him believes the signature to the deed now produced to be that of the d. Archd Mountain –

William Grimes, lives at Hull & has lived there for nearly 30 years Kn Defdt, his character is good, never heard anything of him till this affair broke out –

Franc Lavigne – Has been frequently at Hull Kn. Defdt for 3 years past – & since he was taken –

Chas D Day, advocate – was professionally consulted by Defdt on a case when he had been called as a Garnishee, whether he could safely take an oath that he had no property belonging to the Holts in his possession – He stated that his opinion

that

that if it were a fraudulent deed in law, yet the property must be considered as the proprietor until the deed was set aside — This was upon an attacht made in 1828 and after the Defendt had given in his declaration. —

~~That~~ xd

That Defendt made no statement to Ws that he himself was a party to the fraud. & had got the property for the benefit of the Creditors of the Holts, or he would not have advised him to take such an oath —

John Saml McCord — advocate — Atts for the Corporation for the superintendance of Clergy reserves — the seal now shewn is the seal of the Corporation is the signature of the Clerk — this is a deed of lease of 15 Novr 1831 of the lot No 17 in the 2d Concessn of Hull to the Defendt

closed for Defendt —

Moses Holt brot up again — says noths —

Mr Hart — stated — no evidence of the oath being taken by Pr
2 Russel 518/676 — Esp. 280 —
1 Phillips
No proof of the Judges who composed the Court —

The Atts Genl in reply —

Verdict. Guilty.

Friday 27th Febr 1835.—

Presᵗ.

The Ch. Justice & Justices Pyke & Rolland—

The King
vs
John Mason
and
Willm Mason

On Indictment for Sheep Stealing—

Laurent Doré lived at Lapraire in Decr. last at St Lambert—he had a number of Sheep—on evens of 4th he saw his Sheep in the yard, next morns about 6 or 7 o'clock he found 10 were missing—he went immedt in search—went to the horse boat—he there gave the description of his sheep. the people told him they had ~~cross~~ ferried over such sheep that morning—was advised to apply to one Colin—came to the new market—saw Colin who told him to go to St. Ann's market—did not find them there—returned to the new market, where he was told by one Thos. Day a butcher who said he had bought such sheep that morning from 2 men—& Day pointed out the two Pns as the persons from whom he bot. them—examined the Sheep in presence of the Pns and recognized them to be his property and the same he had lost—before he saw the Sheep he described some of the Sheep, one Caille & was told that sheep was among them—the Pns acknowledged to have sold the Sheep to Day—The Sheep are worth £5.5—but were of more value to him—

Lives about 1/2 a league from the village of Lapraire

near

near the road leading to St Johns from Laprairie —

Thomas Day, butcher in Montreal — on the morns of 5 Decr the two Prs offered him ten ewe sheep for sale — he bot. them & pd them £5 for them — it was John Masson who sold the sheep, the other Pr — was at the top of the market with the waggon in which the sheep were — Wit. pd the money at his stall to John Masson — the price was a fair one — it was about 8 O'Clock in the morns — That Wit. Doray came to him & stated he had been robbed of some sheep the evs before described one of them particularly, which Wt knew to be among those he purchased — he went to see the sheep, & when he came back he said he recognized them to be his property — the sheep were delivered back — & Wit. got back 19 of the 20 dollars he paid for them — W. then run after the Prs found them & sd the said had been stolen — they said ~~in~~ that ~~are~~ they had bought them, but that he should not lose his money. —

x

He bought the sheep in open market & when sheep are generally bought —

Ks. the Pr. John Masson — never heard anything of his character —

Defence —

Richard Cairns, lives at Lap. for 9 a 10 years. he is a blacksmith has a workshop near the water side — Ks the Prs for about a year — ~~W. lives~~ his workshop is nearly opposite the house of Prs Knows that Pr John Masson is in the habit of buying cattle to sell again — always considered him to

be

be an honest man — One morn? early, he saw a Cart with some sheep in it — John Mason was bargain? for the sheep and bought them — it is a thing very usual for many persons to sell sheep at Lasprairie to others who bring them to Montreal — there were ten sheep in the Cart and Jn.e Masson paid 17½ dollars for them — ~~Knows~~ the person who sold the sheep to the Pr. said he was in a hurry & went off, he had a large hay Cart dressed like a habitant — Wm. assisted Pr. Masson to put them into his Cart & went off with them to come to town —

Pr.

James Jeffris a butcher in Montreal, his Pr. Jno Masson for about 3 years — he used to bring sheep two or 3 times a week to Montreal for Sale — has bought sheep of him frequently — never heard any thing of his character — he never sells his sheep cheap — or at an under price —

Jacques Perrot — lives at Lasprairie, his Pr. for 7 or 8 years — He that Jn.o Masson speculates in buying & selling sheep as well as some others in Lasprairie — has seen him buy sheep — to the extent of 7 or 8 — Has always considered the Pr. as honest men & particularly John who is established at Lasprairie —

Verdict. Not Guilty. as to both Pr.

The King
John Masson } on Indictment for ~~Sheep~~ stealing Sheep and Lambs –

Pre Lefevre – lives at St Phillippe – in the evening of 30 Dec he had 14 Sheep & Lambs – in the night 8 Sheep & four Lambs were taken – next morng he went in search – contd his search to 5 Dec when Lieut Dore told him of his loss & that he had found his Sheep in Montreal – Pr came to town & found his Sheep & Lambs in the possn of one Masterman, who said he had bought them from the Pr a man then in prison – he went then was shewn the Pr as the man who had sold the Sheep to Masterman –

Edward Haldenby is in the employ of one Masterman a butcher in Montreal – he is in the habit of buying Sheep for him the Pr came to him in the Market with 11 Sheep & Lambs in a waggon Wr bought them for 23¾ dollars – a day or two after the Lent Wr claimed the Sheep as his, told the marks before he saw them – & they were in consequence returned to him – Wr shewed the Pr who was then in Gaol, to Lefevre, as the man who had sold them –

Had bought Sheep before from the Pr and always considered him as an honest man –

Defence –

Christopher Masterman, is butcher in Montreal for 5 years past, has known the Pr for 3 years has bot sheep and Lambs from him several times – always found Pr to be an honest man – no person ever claimed any of the Sheep he purchased from or theirs, until last Dec – he generally purchased from

the

the Pr in open market, and never found he sold any thing at an under price —

Richard Cairns, blacksmith of Laprairie, he was there on the 4 Dec. last, about 5 Oclk in the morng. he opened his shop & was going to fire to light his vern. he heard the Pr call after a man who had some sheep he purchased these five sheep and paid 11 Livres each for them — another Cart came up with painted red wh. 6 sheep in it — he asked of the Pr if he bought sheep. he said he did, and purchased these 6 latter sheep. and paid them the same price. —

Casimir Bruneau, advocate — his family resides for some years past at Laprairie — that in the summer time it is a constant traffic in Laprairie at all hours of the night for persons to bring their produce there for sale, particularly wheat, — and while the Steam boats run

Michel Gauthier — lives at Laprairie for 10 or 12 years — knows the Pr for 2 years — he speculates in Cattle & sheep — and brings them to market for sale —

Jacques Provost lives at Laprairie — knows Pr for 7 or 8 years — for 2 years past knows that Pr — trades in buying & selling sheep — never heard any thing agt his character, until the accusation now made against him —

Verdict. Not Guilty. —

Saturday 28th Febry. 1835.

Prest.

The Ch. Justice & Justices Dyke & Rolland

The King
v.
John Fitzgerald } On Indictment for stealing above the value of 40/- in a dwelling house —

John McIntosh, lives at Chambly, is a Shoemaker, knows Pr. on the last Saturday in Oct last the Pr. came to his house — wanted employment — Wn. hesitated a little, but employed him for 2 months at 4 dolls p month — the Pr. agreed to this & staid 8 days wt. him — on 1st Novr. Wn. had occasion to go to St Johns came back about 8 o'clk he took off a part of his dress in the kitchen where the Pr. generally was — went to bed — next morning the Pr. was gone 3 several articles were missing — his own boots — his great coat, a fur cap, and a silver watch — values them as stated in the Indictment — two other pairs of boots were also missing — The articles now shewn, Cap & Coat, are his property, also the watch, & same he lost — Got a warrant agt the Pr. and on the tuesday after found Pr. there & arrested him — the Pr. then had in his possn. the Coat & Cap — he regretted what he had done — Pr. sd. there was a hf dollar on the watch afterwards, that there were 2 dolls on it, as he had pledged it for that sum — went with Pr. to one Mowan's — when Wn. gave the description of his watch to Mowan, except as to the number, when Mowan said the watch was his, the Vrts.' — the watch was given up to the high Constable — The Pr. was committed to Gaol, where he took off the Coat

and

and cap were taken off — Wm. found his own boots they had been sold by the Pr. as he declared at one Wheeler's & where Wm. found them —

The watch was not in the possn. of Mowan, at the time, but in that of another man then present, and on hearing the description of the watch given by the Wm. Mowan directed this man to produce the watch which he did. —

Patrick Mohun — keeps a tavern in Montreal — knows the pr. under the name of John Mar — on a Monday morning in Novr. last, about the 3d — the Pr. came in & asked him if he would buy a silver watch — the Pr. shewed the watch Wm. asked him, where he got it, said he had given a months labor for it — Wm. declined buying the watch — the Pr. asked for some refreshment — wits gave him 2/9 — the Pr. went away — came back soon after & wanted more money — Wm. advanced him 7/3 — a few days after the last Wit. came in and enquired about the watch the Wm. had given the watch to wear, who said he wanted to buy it — the Wit. McIntosh gave such description of the watch to satisfy him it belonged to McIntosh — but sd. he had advanced two dollars on it — It was agreed that the watch should be delivered up to the High Constable — qt. was done, & there the Pr. acknowledged that he had taken the watch, the Coat & Cap from McIntosh —

B. Delisle, high Constable — the watch now shewn was delivered to him by McIntosh in Novr. last in presence of last Wit. has had it with the Cap and Coat have been in his possession ever since —

Verdict. Guilty. —

The

The King.—
v
William Smith } The Pr being brought up for trial on an Indictment for stealing from the dwelling house above the value of 40/— he moved the Court to be permitted to withdraw his plea of not guilty, and to plead Guilty to the said Indictment, which was granted, and thereupon the Pr pleaded Guilty to the above Indictment—

Monday 2d March. 1835.

Prest

The Ch. Justice & Justices Pyke & Rolland

The King
~~[illegible]~~ antoine v Bousquet
& Joseph Leblanc } On Indictment for stealing 2 Ewe sheep of the value of 15/—

Vital Morin, de St Denis, ks. Prs W. is propr of a land in Novr last he lost 2 ewe sheep, he obtd a search warrant and went to the house where the Prs lived, they lived in adjoining houses, there is a house in qt Bousquet lives, and a kind of dependance in qt Leblanc lives— they found in that house of Leblanc 6 sheep skins — there were no ears on the skins — The skins were hd, and being without ears he cannot say it was his property — values the sheep at 15/—

There being no other proof to ascertain the property the Court directed the Jury to acquit the Prs which they did immediately by declaring the Prs Not Guilty

The King
v.
Peter Farquhar

On Indictment for stealing above the value of 40s from a dwelling house —

Absalom — Pratte, lives in Montreal, knows Mr & Mrs Bogg — John Wynd Bogg
Mrs Bogg is the daughter of his first wife — Mr Bogg keeps a shop in Montreal, he was not in Montreal on 22d feby last & his clerk had the charge of the shop the shop is under the same roof wt. the dwell's house & there is a comn between — on 22d feby last Mr B — & McNisse dined at W — about 2 o'clk the dinner was over — Pr. came there — McNisse sd they were going out to ride together — they went off together — W. went home wt his daughter about 7 in the evens — there was a little girl who brot. a candle, & sd there was a light in the shop — W — went towards the shop door. that he heard a foot — went into the shop — & thence into a bedroom behind the shop — saw noths — went into a passage door leads from kitchen into the shop into kitchen saw the Pr — who sd. Jas. McNisse had left him there — W. saw bed down, that. the Pr — had been drinking — at moment observed ~~that~~ noths deranged in the shop — asked Pr to sit down in the parlour & wt went to ex the shop — he came back & found the Pr. gone — he went back to the shop, found the staple that held the lock of door forced — a window in kitchen broken ~~and~~ the desk in the shop was broken or forced — at that time he received no more — but was convinced of the bad intention of Pr — went to give his deposition

saw

Saw the Pr after he was arrested —

&c

The bed in the Shop, was drawn out from under the Counter it appeared tumbled — it appeared to W that Pr was in liquor — he knows noth's ar' to the State of the Shop before he went in that evening —

James McNiesse — is a Clerk of John Wyld Boggs — he keeps a store in Montreal — he was absent on 22d feby last — W dined at Mr Prattes on that day — it was agreed between him & Pr that Pr & he were to go & ride in the Carriole after dinner — Pr called on W — wt a Carriole — went to Lafrairie spent the afternoon there, went afterwards to the Cross — Came back to town about 6 a 4 O'Clock — took some refreshment at house of Boggs — Saw nobody in the house — & W helped himself — remained there 4 a 5 minutes went away wt Pr — W went to see Mrs Boggs — rather thinks that Pr was sober at the time — he went as far as the door of his father's house — on leaving the house Mr Pr locked the door and gave the W the key — the family of Boggs consists of Mrs B. the W & a little girl — The Pr bid W good night — W went to Mr Prattes — and found Mr Pratte & Mrs Boggs ready to return home — W. stand to take his tea — Mr Pratte came back and said that the Shop was open, & that he had found the Pr in the house W. went to get a Constable — W. examd the Shop found the desk in the Shop forced open — the desk kept by the W. was also open — a day or 2 before Mr Boggs went away he told W. said he had £100 — in his desk — but he had

purchased

purchased goods & sent money away — That between the Wednesday and Sunday the Wits had collected to the extent of 119 Dollars in different kinds of money — Wit. found all the money he had in it, except from 5 or 7 Dollars out of his desk — This was of Silver — small pieces — there might be pieces of 2/9 & smaller money — thinks there was money missing out of the other desk as he could not tell what Mr Bass had left in it — There was some penny pieces in his desk —

There were some watches in a trunk under the Counter — After the money was found — there were three watches which belonged to the Wit — did not then find them, cannot identify them as being his property, but are like them — The Pr was arrested at the house of one Bill Collins — The Pr was in bed with another person a young woman — Mr Delph & another Constable went in first and Wit followed them — The Wit asked the Pr — what is this you have done? the Pr said that he was drunk — and cried — Wit heard the Constables say, that they were going to get the money, and Wit followed them — and at the end of the house where the Pr was a parcel of money was found wrapped up in a towel — a statement of the money was made which the Wit signed — is same now produced, which corresponds with the money & articles found —

The watches are like those he had, but cannot identify them — thought they were his — had not missed them, but when brot in w[illegible] the money, the Wit thought they were his — The money was brot into the house

The

the Pr. was present — he cried, said a part of it was his own — Coppers counted — were 98 —

x —

stand at Laprairie about 2 hours — had a glass of brandy — and had another glass at a house on the ice — stopt at the house of Mr Clarke, & had a glass there — stopt at Mr Morris's in town & had another glass there — had a glass of punch at Mr Pratts — cannot say positively that he locked the Shop door that morn'g —

The Pr. had money on him when they went to the Country

John Wigfd Boggs — is married to Matilda Boggs, is the daughter of the wife of first W — occupies a house in town in gt there is a Shop — Jas McNiesse is his clerk — W. sleeps near the Shop, there is only a partition between his bed room & Shop — the ketchen forms a part of this building — the Shop locks by a common lock —

Went to Quebec last february on Wednesday the 17 & 18 fbs there are 2 desks in the Shop — one for himself & one for his clerk — at night he takes out his money — he counted the money in his desk 2 days before he went away — there were £55 — in it. pd. £37.12.11 — pd. 2 sum of 10 dolls. & took with him £10 — & when he came back he found only 2 dollars in his desk — W. returned last thursday night —

x —

Matilda Boggs — is wife of last W — who keeps a Shop in Montreal — on 22d febr last she dined at Mr Pratts, — when she returned home in the evening, the servant observed there was a light in the Shop — where the Candle was lighted, went into the Shop — & from

that

that he came out & saw the Pr. behind a door gt. leads from the Shop into the kitchen — he said he was left there by McNeiss the Clerk, he appeared to be in liquor — he was taken into the parlour — & from that he was allowed to go out into the street — Observed the Shop door was half open — saw no other door open —

— after Pr. went away she examd. the shop — found the staple of the shop door forced — the desks appeared as if they had been opened —

lenon

When Ws. went to Mr Prattes, the girl went with her and returned home with her — there is a small passage gt. opens from the property of Mr Cadotte into a passage gt. would lead to the shop by opening of two doors —

— When Pr. went away he asked for the door, and went away quietly. —

Benjn. Delisle, high constable, on 22 Feby last about 8 or 9 o'clk in the evens Mr McNeiss & another young man came to him & told him he had been robbed — the shop of Boggs had been broken into — asked what he had lost — said that he had lost money & other articles & that the Pr. had taken them — Ws sent him for another constable — took Hebert wt. him, had no warrant — found Pr. at house of one Potrin — and in a bed room he found Pr. in bed — Miss Conroy was in the same room, but she was up — Hebert was wt. him he demanded of the Pr. to deliver up the money he had taken — McNiss came in, he said the Pr. was the man.

the

the Pr said he did not think he would play him a trick of that kind — Mr deliver the money — the Pr said yes — and addressing Ann Conroy, give the money to Mr Delesh — Conroy — What money — Pr sd you know damned well — Pr sd that the money was in the snow near the Corner of the house where he was — saw Hebert go to the place and the money was found — Hebert brot in the money, and it was counted on the table — and a statement made on a Card — the statement now produced was not made then, but amounts to the same sum — Pr was still in bed, when the money was brought in, it was in a towel — The money has remained in his possession ever since —

Shewed the money to the Pr appeared very sorry, began to cry, and acknowledged to McNiss that he had taken the money at Mr Boggs, and intended to return it to him next day. — McNiss appeared sorry for the young man — Ws arrested Pr — Ws brot him to the house of Mr Boggs — his father was sent for — who appeared sorry for what had happened —

x

It was the Pr who designated the place where the money was concealed

The Sollr Genl moved to have the declaration made by McNiss before the Magistrate, as being contradictory of that which he gave before the Court be read —

The Court allowed it, as constituting a proof agt McNiss but not agt the Pr —

Henry

Henry Hibert constable, went wt. Delisle, H constable on 22d feby last — for a robbery committed at Mr Boggs & for qh. the Pr. was accused — Went to Wm Collins — Collins went wt. them to a small house in St L. Sub — knocked at door, it was opened — Ws. drew back to prevent escape — but seeing there was but one opening. went in the Pr was then in bed — on seeing the persons — he jumped out of bed, saying — My God is it possible — On the Delisle called, to Mc Niess asked if that was the young man. he said it was — Delisle, then asked ~~if he~~ where was the money he was accused of having taken at Mr Boggs — or qh. he had in his possn — told the girl to shew where the money was — she said he did not know on this Pr. pointed out the place, and found in the Snow in a towel the money concealed in the Snow — they had a candle with them — The Pr. said it was his intention to return the money next morning — The Wts. brot. in the bundle and delivered it to Mr Delisle — it contained money

Cannot say whether Delisle asked Pr. to return the money he had in his possession, or the money that was taken from Boggs —

Here the evidence for the Crown was closed —

The Pr. adduced no evidence. —

Verdict of Stealing of stealing to the amount of £1.17.1 as laid in the Indictment —

The King
v
Louis Vezina } On Indictment for Manslaughter.—

Anne Lee, wife of Wm Lee, knows a man of the name of Lorgnon, he had a son aged about 6 years, in the Quebec Sub— this boy was killed by a Cart running over him, on Lundi Saint last; she saw the Child coming down the Street, and the Cart run over him, the Cart was coming up the Suburbs, the boy was going down— the boy was in the middle of the Street— saw the Cart go over him— cannot say whether it was the Shaft or wheel of the Cart that killed the Child— the man was driving rather quick he was whipping the horse, and was going fast when he run over the Child.— thinks if the Pr had looked before him he must have seen the Child— That after he had run over the Child the man looked back, but continued still to whip his horse— Wr took up the Child, in a quarter of an hour after she went to enquire of the Child & found he was dead— It was the Pr who drove the Cart.—

It might happen that the Child might have been thrown down without the driver observing it. That another Cart meeting that of Pr— it might have happened that the Child in endeavouring to avoid the one [illegible] in the way of the other— The W has seen many Carts going faster than that of Pr— Does not think the Pr was driving his Cart so fast as to endanger the lives of the people—

Guill. Jos. Vallée, Physician— was called to see the Child of

Mr

Mr L'oignon — examined the head found many of the bones broken — the Child was dead — he did not examine further —

Guill^t — L'oignon, the Child of Wit^s — was named Augustin Ulric L'oignon, he was aged 8 years & ten months at the time he was killed — after he was run over W^s carried him into the house, where he did almost immediately. —

Defence. —

Lewis Betts, when the accident happ^d he was coming up the suburbs — at the moment his back was turned to the Cart — it might be 2 a 3 seconds — the P^r was then going at a moderate trot — he saw no child at the time he saw the horse & Cart ~~[illegible]~~ coming up — there was a Cart going down at the time & thinks the Child must have been crossing the street in the short interval his back was turned to the Cart.

After the accident the P^r stopt, or nearly stopt. & the P^r was looking over his shoulder — the boy was then under the hind part of the Cart, & the blows must have been inflicted by the horses feet — the P^r went on faster than he had done before, and Wit^s followed him & had him arrested — told the P^r that he had killed the Child — the P^r appeared frightened and said he could not help it — never saw P^r before thinks the Child with a little diligence could have saved

himself

himself — There was a Lime Cart coming down, and by the time the boy was struck down it was up to the same place — Saw Mrs Lee — she was a little agitated at the time —

David Thomas the Pr was in the service of the father of Ws when the accident happened — the horse he drove was a quiet horse never went quick, the Pr is a quiet young man and careful — never heard any complaint of him for driving fast —

Amable Vezina — the Pr is his son — he is a quiet person — and industrious — he never heard any complaint of him —

Verdict. Not Guilty —

Tuesday 3d. March. 1835.

Present

The Ch. Justice & Justices Pyke & Rolland.

The King — } On Inditment for Stealing a mare —
Basile Nadeau }

William Southwright, lives at St. Brathias, keeps tavern there — saw Pr & Jos. Monat at his house on 8th Nov last — about 6 o'Clock in the evening — the Pr & Monat were drinking together & staid about an hour — Monat appeared a little in liquor. observed that Pr solicited Monat, at dift times, to go along wt him — Monat

lives

lives on river Huron & Pr at St Ins Bte — on having house of Wr the parties might pursue the same road for 45 arpens — at last they went away together, the Pr appears to pay much civility to Monat — Monat went on at trot the first & Pr followed requests him not to go so fast — Monat was somewhat intoxicated, but did not observe that Pr was so —

Joseph Monat, lives at St Mathias, ks Pr since Nov last — he stopt at Southroughts the tavernkeeper on 8 Novr last with his Cart & a mare — values his mare at 35 dollars — he met the Pr at Gilleau's a tavernkeeper first, he did not then know the Pr — drank a glass wt him — asked him to go along wt him to Southroughts — they went there — where the Ws again gave a glass of liquor to the Pr After having taken several glasses the Pr wanted to take Ws home — Ws said he was able to go home by himself the Pr pressed the Ws to allow him to take him home so often that Ws at last gave some abusive language to P — at last went away & the Pr turned the mare into the road — Ws went off first Pr called to him to wait for him — when they had got 25 acres off the Pr began to untackle his mare, from the Cart to get the Ws opposed him, but Pr being the strongest threw the Ws into a ditch — the Pr then untackled the mare from the Cart, and tackled her to his own Cart, and left his own horse, and went off — That week went to the nearest house, Lagers & begged their assistance to go after the Pr to get back his mare — They went off after Pr — Next day the Ws went to the house of Pr & demanded

his

his mare — but the Pr refused to give her up, saying he had exchanged with the Wr —

That Wr never had any proposition to change horses between him & the Pr —

X.

Wr had proposed to change horses wt. one Macé, but never with the Pr — he had proposed to change wt Macé on getting 10 dollars to boot — yt was refused — that on this the Pr proposed changing wt. Macé — but Macé refused. — Wm had drank some liquor — but knew perfectly what he was doing — went away Pr followed him — when Pr was taking the mare from the Cart, he said, that he did so because they had changed horses, but this was not true — no such change had ever taken place.

~~Louis Stebenne~~

Jn Bte Lagus — lives at St Bte 12 Pr & Jos. Monat — lives about 44 arp. from Williams' the tavernkeeper — by a Chemin de ligne there are no houses — the house of Wr is the nearest — On the 8 Novr last Monat came to his house about 7 O'Clock in the evening — he asked for assistance to recover his horse that had been taken from him by force — he could not tell the man's name — but had seen a man pass same evening wt. the mare — one Stebenne was waiting to along wt. Monat — & when the man went past, he called out — Monat is it you — he said no — Stebenne then asked him what his name was — but he went on without answering Monat came up after & requested assistance to recover his mare that had been taken from him by force — That three persons set off after the Pr — not a man who said that

he

he had met a man with a Cart — they went on but the Pr had taken the short cut through the fields and got before them and they could not come up wt him — they returned ~~home~~ to Monat's house, and told him what had happened — Wt next day went to the place where the Cart of Monat was & found a horse feeding by the road side —

xd

Next day being a Sunday, he met the Pr with the mare — going homewards — ~~Monat~~ The Wt asked Pr where he got that mare — he said he had her in exchange — Monat said no — you took the mare by force — Wt asked him to return the mare — but he refused. —

That Monat was somewhat in liquor when he came to the house of Wt — but was able to walk —

Louis Stebenne — lives at St Mathias — knows the parties — was at house of Lagus on the 8 Nov. last, to wait for Jos. Monat to go along with him — as he knew he was to pass that way — was watching at the window — on seeing the mare pass — Wt called out Monat — the person, answd it is not Monat Wt then asked who are you then — but to this no answer was made — the person was going on at the trot — About 4 & 5 minutes after Monat came up calling out — to the persons in the house to run after the man who had stolen his mare — could not tell the name of the person who had taken the mare

The

The Wr and two other men went after the man — met a man who told them, that he had met a man wt a horse & cart about 2 acres farther on but the man did not go by the toll bridge, but went through the fields — seeing they could not come up wt the man — they returned to inform Monat of it — That next day they met the Pr with the mare on the road coming from the Church — that Monat demanded his mare, but Pr refused to — deliver up the mare saying he had her in exchange

Wm Southwright brot up again — when Pr & Monat were at his house he did not take notice to all the conversation that took place between them — but heard what passed between Macé & the Pr about the change of horses — but heard nothing of this kind between Pr and Monat. —

Defence —

Chas Blanchard — lives at St Jn Bte — Ks Pr fr 3 or 4 years considers him an honest man — was surprized to hear he was accused of stealing a mare. —

Amable Loisel — bailiff — lived formerly at St Jn Bte — knows the Pont Lagus — has passed there often at night & has found the barriere at night — it is bad road thereabouts — and it is much better to pass through the fields, & it shortens the road — Ks Pr fr several years, he always enjoyed a good character —

There is a toll bridge — at yt. 4 or 6 sols are paid of toll

Antoine Dame. Ks Pr for 10 a 12 years — he always passed for an honest man — Ks Monat he is liable to be often in liquor — this must affect the mind — and from his habits of drinking he would believe him as he would another man, on his oath, as he may forget or say things different from what they are — That Pr went to the Church of St Jn Bte wr the man — and tied here to a post among other horses — he did not appear like a man who had done anything wrong —

x

The Pr is the nephew of the Wr

Frans Gingras of St Jn Bte Ks Pr for 12 years — is a man of a good character — Ks Monat he is considered as a man given to liquor —

x

The Pr is his brother in law —

By the Crown —

Frans Papineau — lives in St Ossaire — lived 21 years in St Mathias — knew Jos. Monat — he is a man of good character, only he takes a glass too much at times — but he is a man of his word — & even when in liquor he will not alter his word. —

Wm Southwright — Ks Monat for 3 years always found him an honest upright man — whether he was drunk or sober he never observed that he varied his word or lost his recollection —

Chas

Charles Huot, of Beldil - Capt. of Militia - Ki. Monat almost from his infancy - he always considered ~~that he~~ to be a perfect honest man - he is a little given to liquor -

Verdict. - Guilty. -

The King
v
Ambroise Noel } On Indictment for Grand Larceny. -

Walter Douglass -
John Crebassa. -
Edwd. Martial Seprotron. -

Verdict. Not Guilty. -

The King
vs
William Newall } On Indictment for Grand Larceny. -

William Connor, lived on the Rw. Chateauguai in Feby last - he was making meal - came into Montreal in Feby last he had a note of the Commercial Bank of U. Canada for 10 dollars ~~one of York for 1~~. He had ~~on one~~ also 4 five dollar notes - he had a promy note for £22.6.6 - signed by Wm Bowman & another note for 23½ dollars - signed by George Lonion - These promissory notes were ~~found~~ in a purse, which he knows & were found in the shoe of the Pr. The purse he had in his waistcoat pocket - and the Bank notes in a pocket book

book q^t^ was in his inside side pocket — W^m^ stopt at one Watts, tavernkeeper — here he drank something and when he went out of Watts house — he had his notes in his pocket book — He was somewhat in liquor, — he met the watch, who took him to the watch house — When he went to the watch house there was another man — does not recollect to have seen the P^r^ there When he awoke, in the morning he missed his money and notes — told the watch of it — the man who was in the watch house was searched but nothing was found on him — He went to pay Lindsay something he owed him, whilst there one Little came in & asked him if he would know the man who was at him in the watch house — W^n^ S^d^ he could not — Little said there was a man in his house who was very flush of money & appeared badly clothed — went wth Little to his house saw a man there wth money scattered about, and lifting up his head found one of his Mitts under it — This was the P^r^ at the bar — That on searching in one of his shoes he found the purse now produced, q^t^ is the property of his wife with the two promissory notes — which he has mentioned, as his property — Heard P^r^ say to himself That he had left the money & the notes wth one Carson — went to Carson's and got one note of 10 doll^s^ and 3 Montreal Bank notes of 5 dollars each — one of these notes he can identify — having rec^d^ it from one Thompson at Huntingdon by two letters B.B. on it q^t^ he observed a few days after

he

he got it, and about six weeks before he came to Montreal. —

The knife he now produces is his property — he thinks it was in his possn when he went to the watch house and the day after he found the same knife in the pocket of the Pr —

X —

Observed but one man in the watch house when he went there & remained there all night — Wn was in liquor may have fallen in the street — but the pk book being buttoned up in his side pocket could not fall out —

Henry Brown — saw the Pr at Lyttle's in Griffin town on the 18 Feby last — Wn lives there — Pr came there — about 5 oCth in eveng — the Pr was lying down seemingly drunk — saw Wm Connor that night there — saw a mitten taken from under the head of Pr & claimed it as his own — the Pr was then awake — Connor sd the Pr was the man who had robbed him — Pr denied it — said he might search him — Connor did not search him — Connor went away — Pr remained there — Connor & Mr Lyttle came in together. Lyttle told Wn to watch the Pr till he came back — on this Lyttle went away — Connor said that Mr Delisle had directed Pr to be delivered up to the watch — and to search him — The Pr was searched by Connor & Lindsay's man — there was a knife found on him — in his pkt — there was a purse found in one of the shoes of the Pr with two notes in it — believes the notes now produced to be the same — Heard

the

the Pr. speaking to himself, but did not attend to what he said — That Connor took the notes & purse into his own possession — The Pr. was sent to the watch —

John Carson lives at Cote des nieges — ks Pr. saw him on the morng of 19 feby last in a Cellar St. Ann's Market he gave 25 dolls to Ws to keep for him — there were 3 bills of 5 $ each — and one ten dolls note of the Commercial Bank — same notes now produced — wanted Ws to take care of it for him — he was not sober at the time — The Wtk was called upon by Mr Delisle to give up this money to him which he did — The Pr. is a shoemaker — does not know whether he worked at his trade in this Country — The Pr. was then poorly dressed —

Wm. Connor brt. up again — ~~when he~~ ~~found~~ ~~got~~ the 2 promy notes ~~on the~~ he found on the Pr. Ws gave up to the Capt of the watch — the purse he gave to Mr Delisle —

Benjn Delisle high Constable — the four notes now produced he recd from Carson, one of 10 dolls & three others of 5 dolls each — & have been in his possession ever since — he then marked them wr. a B.D — there are not two B.D on any of these notes —

The Wtk mentioned that there was a note with on Thompson's name on it — Finds another name

on

E G

one of these notes, wh. a ~~E G~~ upon it & said he had got it from ~~the name~~ one Thompson — and shewed this note, havs the name Powell on it — he puts the ~~name~~ letters B D on a great many notes —

Wm Connor brot. up again — the Wt. being called to point out the note he had belonging to him with the mark on it — he points out the note wh. mark E G. and the name of Powell on it — says he may have mistaken as to the letters —

Says he found the paper now produced, which is a document from the Savings Bank of monies deposited there by Wt., in the purse in the shoe of the Pr. with 2 notes already mentioned —

Henry Brown brot. up again — says, that he saw a paper like the one now produced ~~taken~~ found in the purse found in the Pr. shoe —

Benjn. Delurle says — he saw the Pr. at the police office, where he acknowledged that the money he had ~~taken from the P. Connor to~~ put into the hands of Carzon, ~~to which~~ was all he had belonging to Connor & gt. he had taken from Connor — Wt. made no threats or promises to P. The Pr. went with him to Carzon's who acknowledged having the money —

Augn. Frichette — Capt. of the watch — in Feby last — he saw ~~the Pr. and also~~ the Wts. in the watch-house the Pr. was discharged at 4 o'clk in the morng — and

the

the other man, Connor remained till next morning when W. went to the watch house — saw the Pr. when brot. back to the Watch house

Here the evidence for the Crown was closed and the Prisoner adduced no evidence!

Verdict — Guilty

Wednesday 4th March 1835

Prest.

The Ch. Just. & Justices Pyke & Rolland

The King
v
Jean Failli
Donald McDonald
Edwd Gardner
James Thompson
Charles Decoste
~~James Smith~~

On Indictment for Grand Larceny —

John Ingram, lives w. Jas Kerr & Thos Kerr who are much's trads under names of Jas Kerr & Co they keep a Store in Montreal for sale of dry goods & Iron ware — In Jany last the Store was broken open — & the articles mentd. in the indictment and of that value were stolen — recognizes his mark upon several of the articles now produced as part of the goods stolen — saw them first afterwards at the Police office —

There being no further evidence before the Court, the Court directed the Jury to acquit the Prisoners which was done accordingly by a Verdict of Not Guilty —

The

The King.
v
Isaac Jones.
&
James Jones.

On Indictment for Murder —

The case was opened by Mr O'Sullivan, Solli General —

The Witnesses for the prosecution & for the defence were called and directed to retire —

Moise Duplessis — lives at Sorel — Notary Public — there was a contested election at Sorel in Nov last — candidates Jno Jones & Mr Perkel — it began in Octr and closed on the 7 Novr — Ks the Prs they live at Sorel — they took a part in the election about the close of it — the late Ls Marcoux lived at Sorel at the time of the election — he died on the 8 Nov — aged about 35 or 36 years — he took a part for Mr Perkel, the Pm for Mr Jones — Perkel was elected — On the morns of 5 Novr about 9 or 10 o'clock he saw Pr Isaac Jones — who told him there would be murder at the Poll that day — he had been told to prepare his fusil, and that they were ready loaded — and he would go to the Poll wt his fusil — Knows one Dumas of Sorel — on the 5 Novr the Candidate Perkel had a small majority Dumas had not then a vote — but it was attempted to erect a chimney to an old house he had so as to give him a vote. In the evens between 6 or 7 o'clock he met Masons & Wt went into the house — & saw them laying Stones for the foundation of the Chimney — some persons came there & the Masons went off wt them — Wt remained at house of Vve Paul Hus — about 9 o'clk in ws Marcoux came in & asked Wt to go out wt him, he came there in a Calash drawn by Lavallee — Wt went out wt D — when ~~two~~ 3 or 4 reports of guns were heard directed towards the persons who were in the Street — some of these shots were fired from behind the house of Dumas

and

and some from the Street — these houses are opposite each other — the street may be 40 feet wide or more — the shots fired might have at 40,50 feet from him — The ~~W~~ went to see who had fired — Wr advanced & one McNie threw a stick at him — heard McNie cry fire — but no one fired then — heard the cry of Murder turned round the corner of street saw D. in arms of ~~Poloquin~~ Lavallé — examined he told Wr that he had recd his death wound, & that it was Is. Jones who gave it to him — D — was on the ground. They carried him to the house of Alexis Peloquin — The Wr saw ~~him~~ D. next morn's at his own house — he was in bed — he spoke of the accident that had happened, & that it was Is. Jones who had given him his death blow & that he saw several persons near Jones at the time — The D. died on the 8th Novr — Saw him the evens before his death — he had his senses — he spoke of his conviction that he was going to die — and knows that the Priest had been with him — he saw him after he was dead —

That when D — arrived at Widow Paul's he had been getting a vote — That from the time Wr left the house of Vn Paul until he heard the cry of Murder, there might have escaped 4 minutes — That after D — had gone towards the house of Dumas he heard a shot fired. —

X —

That Isaac Jones was at Montreal at the beginning of the election — Wr and some other persons went wt him to Dumas' house about 6 o'clock to see what was doing — Dr Allan was wt him & some others followed him. — arrived at the house, he saw Pre Cardin — one Rondeau — & several others to the number of 8 or 10 persons besides those who were at work on the Chimney — The workmen had no vote except one, who voted for Jones — Does not know what the intention of the persons who went there was to prevent or interrupt the building the Chimney — The Wr went there to see what was doing — there was

a

a good deal of talk — Did not hear or know that there was any design to interrupt the work. — Saw several persons speak to the workmen — the workmen stopt their work but did not see any one interrupt them in their work — he saw the Masons leave the work w. their tools — but he did not know who had ordered them to do so, or what occasioned it — Wm stopt in the Street — he could not see what passed in the house — saw nor heard any menaces used towards the Masons —

Was at the house of Vve Coton about 9 o'clock — he had remained there from 6 o'clock — Wm saw a load of Stones and of Sand scattered in the Street after the Masons were gone — could not tell who were the persons who scattered the Stones & Sand — That Alexis Pelloquin Ossant — Pr Cardin, & some of the Rondeau were among those persons — also Chs Page, Pr Thorien, Hector Martin in there & busy — Wm was then at the outside the door of Vve Colton — Paul Peloquin was there — Alexis Paul Has Dr Cournoyer — Frans Deguise — there — some of these scattered the Stones & Sand, but cannot say they all were employed to do so — Cannot say that he did not encourage their people, as he may have said something that might be considered as encouragement — He did not dissuade them — but thinks if he had, they would not have listened to them —

The reason he stopt at Vve Cotons, was that he had heard, there was a Chimney to be built & he stand to see if the people would return again to the work — did not understand there was to be any meeting of another party to prevent the work — That all those he has mentd as scattering the Stones, were at the house of Vve Cotton — Wm voted for Mr Pickel & took an active part for him — Marcoux came there — he knows not with what design — there might be 8 or 10 persons present — D. had no stick in his hand, that he observed — D. told Wm to go out — all the others in the house followed — D. had been at the house about 6 or 7 o'clock — That on addressing the Wm D. said Sortez Duplessis — voila des voitures qui viennent — did not hear D — give orders to the persons there to prevent them approaching — That when these persons went out, he saw a Cart coming up, and people following them — That

the

the persons who came out of the house had no arms or sticks in their hands — a noise began, but he cannot well say how it began — Does not know that Max. Ossant did any violence to any one — Wr went away immediately after D. was wounded — All the time the W. remained there, all these people were quiet & orderly —

Wr heard the noise as if a Cart with Stones had been upset — cannot say by whom it was done —

Thinks the Shot he first heard, was fired in the air — several Shots were fired, thinks if the guns had been loaded with Shot and pointed at the people in the Street, several must have been killed or wounded —

The Cart was upset before D. was wounded — there was a talking at the time, but does not know by whom —

Marcoux told Wr that when the gun was fired, the muzzle of the gun was close to him. — said that Jones had pointed the gun to his stomach, but that D had put it aside, as he did not think that Jones meant to fire on him —

Considers D. to be a man of a violent character, & that Pr Js. Jones is a man of Mild character — That Jones was the friend of D — before the election —

Wolfred Nelson, Physician — lives at St Denis — knew D — saw him after his death and before his death — saw him 2 days after he recd the wound — was called for the next morns after the wound — saw D. about 11 o'clk that day — considered that he could not live long from the state he was then in, from the feeble state he was in — had the perfect use of his faculties — he recd the wound about 3 inches below the navel a little to the right side — Wr exd the wound — consd D. to be in a dying state — he found there was such a destruction of the parts that he was convinced the D. would not survive — he took out some of the Shot, which was Snipe Shot — or La Cendrée, out of the wound — qh he now produces — the course of the

wound

wound was in a direction from the abdomen went under the groin and lodged in the back part of the thigh — The D. took Wm by hand, and said, the scoundrils have done for me at last — and seemed convinced he was near his last moment — Wm told him he would do well to settle his worldly affairs as soon as possible — The D. told Wm that he had rec'd the stroke from Isaac Jones —

The D. was a very active, honest and energetic man — his moral character was good — he was a humane man, but when excited was violent — It would require a good deal to excite him — his humanity extended to the performance of good and charitable acts — his death has left a blank in society where he lived, and he has been much regretted — Wm was present at a post mortem exam[n] — saw the wounds and has no hesitation in saying that it was the cause of his death —

X.

From the direction of the wound, the muzzle of the gun must have been much depressed —

Michel Etienne Hallard, Surgeon — lives at Dord — saw D. soon after he was wounded about ½ after nine at house of one Peloquin — he rec'd the wound & extracted some Swipe shot from it — The shot was took effect 4 a 5 inches below the navel it took a direction downwards ~~towards~~ towards the thigh where it terminated — there was shot lodged about 6 or 7 inches from where the wound was inflicted — The intestines were not injured — but perceived that some of the intestines appeared — The wound was Mortal — did not say so to D — but on seeing him the D — s[d] Doctor I am a dead man — Dr H told him not to despair — but this did not seem to affect the impression on the mind of the D — D. told him that he was at the place where they were building the chimney — then met Js. Jones, saw he had gun — told him not to fire —

That

that he had a stick or Cane in his hand & struck the gun wt. it — & at some time or soon after Jas Jones cried out fire Isaac — that on this Js. Jones fired and inflicted the wound — this was told to him by D. at Peloquin's — remained all night wt D — spoke occasionally wt him lamented in his being cut off at so early an age —

Saw the wound after the death of D — and was still convinced the wound was mortal. —

x

Was at Peloquins that evening, as a partizan of Mr Pickel & while there, they were told the opposite party were going to build a chimney — they were 10 or 12 in number — they went there to see what was doing — found masons at work — 2 or 3 of the people who were wt him went in with stone in their hands saying as you are but few in number, we will help you — that one of the masons — Cantara, who had voted for Jones appeared alarmed — but wk told him not to be alarmed — They asked the men what they got for their work — one of them said they had 10 f for the night — on this he thinks that Alexis Peloquin S. if that's the case I will give you the 10 f & you can go and amuse yourselves — the Mason accepted the offer — & some liquor was then given to the masons — the workmen then left the place — in going out the house this Cantara fell, & Ws. assisted to raise him — There was no violence or menace made to the workmen in presence of the Ws — none of the party had any stick — From this they went into the house of the Widow Paul Hus — there the D. came in & asked for something to eat as well as to drink — while there some one said, there are spies — Ws went out saw the Clerk of Jno Crebassa — they S. they wanted the widows son to do some work for Mr Crebassa Marcoux said — he did not think it is that which brings you here & you had better return the way you came —

The

The Wts got into a Calash & Lavallé & D. returned home with him.—

André Lavallée, says— lives at Sord, is a Carter— the W was hired during the election to carry people to diffl places— he recollects having taken Dr Hatter home on wards of 5e— there was another person wt him— it was then about 8½— he recollects having taken D. to Pre Thierry to get his vote— He brot D to house of Madl Paul— he tied up his horse at the door— while he was doing this, he heard a shot of a gun— he went to look at his horse, when he heard a second shot he advanced into the street and saw D— in Dumas' lot he had fallen, but had got up and endeavoured to walk he was 4 a 5 feet within Dumas' lot— the Wt turned round the corner of the house in St Elizh street, & observed D— coming towards him, but fell down as he came up to him— W ran up to him— the D— might be then about 5 feet from the street and 20 a 30 feet behind the house— The Ws raised up the D— & Duplessis assisted to put him in his Calash and carried him to Alexis Peloquin, & went for the Doctor— On seeing W. Dd— my poor Lavallée, I'm killed— W asked him who had done that, he said it was Isaac Jones— W— left D— at Peloquin's.—

x

Ws was employed for Mr Peckle's party— & voted for him— was hired by D— Saw no body in the street where he ~~attached~~ tied his horse— heard persons speaks at a distance. Saw no person come out of Madl Paul— when he tied up his horse— There was a fence round Dumas lot, but broken in many places—

That there might be 4 a 5 minutes between the time he brot D. to the Widow Paul's until he saw D. wounded might be 4 a 5 minutes, perhaps a little more, but the time did not appear long—

Alexis Paul Hus - lives at Sorel - on the ~~morning of the~~ 5. Novr last about 4 - 5 O'Clk in afternoon, he saw Js. Jones wt Sawtel & Wm Jones - he told Ws he was making himself very busy, & if he were not quiet he would break his chops - Ws 6 he was not able - Pr if he did not do it in one way in wd in another & on Pr putting his hand in his pocket Ws saw the but end of a pistol in the hands of the Pr Isaac Jones - Ws told Pr that he cared nothing for him & was not afraid of him. -

Pierre Louis Delagalle, bailiff, lives at Sorel - at time of the election on the 5 Novr last - was on the side of Mr Pickle - on the Monday preceding the wound prod by D -

Pierre Carpentier, is aged 18 - he lived wt Peter McNee in Novr last, who is tavernkeeper at Sorel - On the 5 Novr last - on that day he saw Js Jones - who arrived wt Wm Jones at McNee's about 9 O'Clock - saw Jas Jones load a pistol and lay it on the Counter, but did not see him take it away with him - Ws went to Duma's house - after the Carts were upset he heard some shots fired - did not see D - there - he heard Jas Jones cry out fire - Ws & Jas Jones were then on Dumas lot - does not know to whom Jas Jones called out, Fire - Did not see Isaac Jones fire - saw Js Jones fire a pistol in the air - That they had not time to get to Duma's house, when people came out and fell upon them with sticks. -

Saw Js Jones fire a pistol in the air - That Ws was near, when the Cart of Demarais was upset

wt

with Stones to build the Chimney of Dumas — That a party went along with the Carts to protect them — as it had been said the people had been prevented from loading the Stone in the Carts — That ~~of~~ on the way they stopt at Trigasne's to go wt. them to keep the Peace — & he would not go as his child was sick — That when they came about before near Dumas, Alexis Peloquin came up & asked them where they were going said going to build Dumas Chimney — he said they should not build it — on this several persons to the number of 25 came out with sticks and stakes — and ~~some~~ ~~one~~ Dumas cried out that he was struck — that Paul Peloquin & one Manuel overset the Cart and pursued the persons wt. sticks — saw Alexis Peloquin Paul Peloquin, Ossant — Manuel — Pagé — Pr. Thouin

7. Rondeau fils — Alex. Paul Ibus — That on being attacked Wm. run away and went into Dumas lot — the rest of the persons run away — saw Is Jones fire in the air — & heard him call out Fire — did not say Fire Isaac Fire. had he done so Wm. must have heard him as he was by his side at the time — Saw D. afterwards —

That Paul Peloquin laid hold of Wm. and told him to come home to the brother Peloquin's — ~~and~~ that if he returned to the village McKee's they would kill him or hold on him — the Wm. said he would lose his wages, — that P. Peloquin said if that was all he would pay him his wages — That he was carried before the Magistrate and made a deposition qh. was dictated to him by Peloquin, & he did not know what he said, as he was in liquor at the time — That the Wm. was also examd. before the Coroner, and Paul Peloquin Cardin & others, and was told if he did not give the

& Paul Peloquin Alexis Peloquin Moise Duplessis all told him.

same

same deposition before the Coroner as he had given before the magistrate they wd send him to prison — that before going before the Coroner, the Clerk of our Gouin gave him liquor — and the wit was under dread of these persons when he gave his declaron before the magistrate —

That at the attack, the persons attacks them called out Fesse-tue — on this the Wn was alarmed & ran into the lot of Dumas, thinking his life was in danger —

That the Coroner held his inquest in Gouin's house up stairs — that it was in the lower part that the Clerk of Gouin gave him liquor —

Here the Solr General proposed to have the deposition read qt the Wit gave before the Coroner in order to contradict the statement he has now given before the Court —

This opposed by the Counsel for the Prs who contended it was contrary to principle of Criml evidence to allow a Prosecutor to

Francis Hughes — lives at Sorel — Knew D — he was wounded on 5th Novr — Wn was about 60 feet from the place at the time — & opposite the English burying ground — it was about 9 oblk — Wn heard noise of a Cart coming up qt was upset when a shot was fired — heard some person, say dont fire Isaac or you will be sorry for it, does not know by whom — heard some one say Fire — Fire, he heard then a shot fired, when some person came running up said that the D — had been shot — Wn asked if any thing serious had happened — they sd nothing very serious, that he had been shot wt. salt a small shot — Saw D. at Pitoquin

who

who shook hands w^e him and said that he had been shot by Isaac Jones.

W. was present when the last W. Carpentier was exam^d before the Coroner — he seemed to be sober — and was cross-questioned by Mr Hart counsel now for P^rs — & by Mr Stanley

X

After the Cart was overset, he heard talking, but cannot say what was said — cannot say whether they were — quarrelling or not. —

Cannot say whether Mr Stanley was present at the time when the W. Carpentier was examined —

Chas Pagé being brot. up & objected to as having come into Court to hear the evidence —

Chas L. Armstrong — knows one Chas Pagé — saw him walking near the door of this room walking about —

Charles Pagé, lives at Sorel — on 5 Novr last the D. was wounded W. was at Widow Paul's — he went out, saw a number of people, and saw a Cart come up, and it was overturned saw Js Jones run to the corner of the house and cry out Fire Isaac — & immediately he heard D cry out I'm a dead man — that Js Jones fired at the same time — before this he heard the report of a gun — did not hear any one say dont fire Isaac — Saw D. wounded at Peloquin's

X

Had been been at Widow Paul's house the same evening before about 7 or 8 o'clk — there were several persons assembled

there

and it was to see a Chimney that was to be built that night —

Whilst there he saw D. come there — he went into the house — this was about 7 a 8 o'Clock —

That afterwards he saw a tumult in the Street, & a number of persons there — but none of his people had sticks —

That the only noise he heard in the street was when the Cart was overset, he heard Jad. Jones cry out, Fire

I saw Dumas there — heard him call out Aussim tu me frappes — on this Aussim came up from the opposite side of the street, who said, its not true — I am not near you —

Wk went into Dumas' house, where he saw Dumas — he was looking for the person who had wounded the D — the door was open — Wk had a stick in his hand gt he found at the door — and he pushed open the door with it — the door was only pushed to; & he could have opened it wt his hand — when the door opened he went in, and left his stick at the door — he asked Dumas to come to the door wt him which he did, & there he left him — that one Pre Thouin struck Dumas on that occasion — Thouin had no stick — That one Edwd Denis was there — & saw what happened —

By Sol. Genl —

Knows young Carpentier — he was examd by the Coroner at the Inquest — he appeared in a good state — he seemed sober — & by his answers —

Alexis

Alexis Peloquin, lives at Sorel at was to his house the D. was brot. after he was shot. Wn was at Grenuns, the house next to Mader von Pauls, it was about 9 o'clk. some one came to inform him that a crowd were in the Street with sticks. Wn went out, he saw Mr Jones's party. he met Dumas in the Street and wished to speak to him. but he forbid him touchd him & went into his own lot. the Wn saw Isaac Jones pass him with a stick or a fusil who was going towards Dumas house. saw Is. Jones appeared to have a pistol. and Wm Jones. who all went towards Dumas' house. he heard one report of a Gun. and afterwards Is Jones cried out Fire Isaac. Fire Isaac. when another shot was fired and heard that D. was wounded. after this Pelee Mr nie struck him wt a stick. saw Jas. Jones fire, immediately on crying to his brother to fire. Did not see D. till he was at house of Wn. he gave Wn his hand saying I'm a dead man. it was Is. Jones who did it.

Saw Carpentier examined before the Coroner, he appeared to give his answers like a person who was sober. & he was so. Did not see him go out

X.

There might have been 2 or 3 persons wt the Wn when Jas. Jones fired his pistol, he was near Jones at the time. does not know whether the pistol was loaded wt shot or not, but no body was hurt. That the pistol was fired on a level & in the direction of the Wn.

Was at house of Dumas about 6 of the evening where the Marons were at work with a lantern. the

Wn

W and several others went there to see what they were about, but not to prevent them from building the Chimney, they on the contrary they assisted them by carrying in some stones into the house —

The Wit. gave some rum ~~wt him~~, which he had wt him to the masons —

Until Jo Jones fired a pistol there was no noise there was a Cart over turned before this — There was a person on the Cart —

That before the Ps had fired, the W told them there was no occasion to fire, as they could speak together without firing —

That W run after the persons who fired, he run after them with two others — this was after he had been struck by one Peter McNee —

Wit did not strike Bailey —

Wit went to Dumas house after the firing — saw Chs Pagé wt Edd Denis — Pagé asked if he had firm arms — Pagé told him he had better go home — saw no one lay hold of Dumas or strike him —

Here the Court directed the Jury to be committed to the charge of the Sheriff till to morrow morning at nine o'Clock, to which hour it adjourned —

Thursday

Thursday 5th March 1835

Prest

Ur Ch. Just. & Justices Pyke & Kollard

The King
vs
Isaac Jones
&
James Jones

Ur Sheriff having returned the Jury into Court and being called over and appearing, the following evidence was adduced —

Paul Peloquin, of Sorel — on the 5. Novr. last was sent Wm Polites about 9 o'Clk — he went out, when he met a number of persons, they began to fire — that he heard the Pr Jas. Jones say to Isaac Jones, Fire Isaac, Fire — it was dark, he could not distinguish persons, but he knew the voice of James Jones — is well acquainted wt Jo Jones — on this a shot was fired — does not know what was the effect of this shot — saw D. after he was wounded about 1/4 hour at Alexis Peloquin's Ur D. spoke to W. and to his brother — said it was Isaac Jones who had wounded him — that W. was present when Pr Isaac Jones came into the room where the D. was lying, when he lifted up his hand & making a sign towards the Pr he said — go away, you are the person who have given me my death blow — W. heard his brother tell the persons there, that they shd not fire, that they might speak to each other without firing — but they did not listen to him — Did not distinguish any person at the time — it was too ~~late~~ dark

Knows

Knows Wm Carpenter, saw him before the house of Wm Polite the evens of 5th Nov — after the D was wounded — he went along with quietly — never threatened him — either to kill a poison him never said anything to induce him to give his evidence one way or another —

X

Wm was apprehended & his brother also since this affair & they are now under bail — Had been at the Widow Paul's since 6 o'Clk in the eve they were about 7 or 8 in number — had no conversation with these persons — Widow Paul is his Cousin — went there to see the Chimney — There was some talk about the Chimney at his brother's house, but no determinn taken to prevent its being built — Wm went into Duma's house about 7 o'Clock wt several others to extent of 7 or 8, found the masons at work — they asked for stone, & the Wm carried them some — from that he returned to Widow Paul's — left the masons at the house at work — saw no persons attempt to induce masons to leave their work — saw some one treat them with liquor — does not know that the masons left their work on that occasion —

Remained at Widow Paul's until about 9 o'Clock when they went out to see the people who were coming up does not not who told them this — There was no intention to insult these persons — he saw the D. who came into Widow's — but did not remain there — saw no one with sticks or stakes — That after Wm went out and heard the firing, he went away to his brothers — He saw Carts, but took no particular notice of them has no kn. that Cart was upset — That all was

quiet

quiet until he heard the report of the gun — the report of the gun he heard, appeared to come from the Street — he heard 3 or 4 shots fired — That the 3d shot was when he heard Jas. Jones cry out. Fire this came from the opposite side of the Street, but he saw nobody and could not tell when the person was who fired — it appeared to be near Dumas' house, but whether before or behind the house he cannot tell —

That Wm. pursued after a man that was running off, but did not come up wt him, wanted to know who he was who had fired upon them — Thk struck no person that wns — Hno. McNee — did not see him that evening to his knowledge — he had no stick or rail in his hand. Saw his brother that evs but he had nothing in his hand nor did he see him strike any one — his brother had recd. a stroke in his arm —

Ws was for Mr Pickel, the patriot & for the Canadian party.

Moise Duplessis brot up again — objected to —

Ks. Pn Carpentier — Ws was examd before the Coroner — the Inquest lasted above a day was held at Gouin's — there were 12 or 13 Ws examd — Carpentier gave his declaration — Ks him for 10 or 12 months — Ws had no communication wt Carpentier before he gave his evidence to for the Coroner — he never made him any threats or promises — about 15 days ago he came into Mr Gouin's — & it had been said that he had been paid to go out of the way — Ws asked Carpentier if this was the case — he said yes — Ws told him that he ought to be on his guard, if he took money or absented himself he would be punished — he ansd never mind, I will take their money and laugh at them — Saw Carpentier before the

Coroner

Coroner, he appeared sober, and gave his declaration very deliberately — was cross-examined by Mr Hart

X

Thinks he was present in Court when Carpentier gave his evidence, & accused the Wt to have threatened him in regard of the evidence he was to give. —

He gave no information touchs the Sr. Carpentier, or the evidence they would give, but gave ~~him~~ the Sol. Genl a list of the names of the Wits —

Pierre Cardin. Ks. Pre Carpentier — who was servant at Mrnee's was at Sorel on evens of 5th Novr. last — That an Inquest was held by the Coroner at Gouin's house was not present when Carpentier was examined Wt had no conversation with him before he gave his evidence before the Coroner —

Edward Walker Carter — is a Just. Peace — lives at Sorel, that as a Justice he took the deposition of D — same now exhibited, taken on 5th Novr — last at house of Alexis Peloquin — Wt did not consider the wound immediately mortal, but knew he could not survive — the D. appeared to have great doubts about surviving — but did not express his opinion of immediate danger —

Knows that one Pre Carpentier who made a deposition before him — he appeared perfectly sober when he came before the Wt — there were several persons present at the time —

X

Cannot say who brdt forward this boy — Alexis Pelloquin was there, & also Moyse Duplessis — & one Pearlette — there was a number of persons in the room — Mr Ls. M. Vigé put questions to him — Thinks that Dr. O'Callaghan

brot —

brot. to him, to be sworn to by Carpentier — but it was taken down in presence of the Wits — it was in a tavern and a number of persons were present — Carpentier came from the room where the bar was — he may have taken some liquor without Wits having observed it — but the W. read over the deposition to the Wits

On looking at the deposition, says, it is all in his own handwriting —

Maxime Aussent, lived at Sorel in Novr last — was at the house vn Hus about 9 o'Clk. in evg — saw D. come into the house — saw Lavallée & his caleche — spoke to D — in the house — saw D. come out of the Calash in the Street he did not then go into the house — does not recollect having then heard a shot fired — after D. went towards Dumas' house, he heard a shot fired — Wits remained in the Street — was about 10 – 12 feet from Dumas' house — did not go round the Corner — he heard a shot fired — ~~heard~~ he rec. a blow on the shoulder by Js Jones wt a stick which knocked him down — W. cried out to him — that it was Js Jones — that he then heard Js Jones cry out Fire Isaac — Fire Isaac — & then fired a pistol at the Wits — but it did not strike him — W. heard two other reports, one of them fired in the air — He was told by some one that D. was mortally wounded — saw D. at Alex. Peloquin's who told him that Isaac Jones had given him his death wound — and he said he was done for — his wife arrived and he held out his hand to her and said, if I had taken your advice this would not have happened to him — said she did not reproach

him

him w^d. any thing — D told dont be discouraged I may get over it — this he seemed to say to console her —

x^d —

He saw persons at Dumas house — went in and saw 2 Masons in it about 6 o'clk in the eve — they were not at work — there were several others Alexis Peloquin — Alexis Paul Hus — Pr Cardin — the whole of the ~~work~~ thing was nearly over when he arrived there — heard no reasons given why the masons did not continue their work — heard some one say to the Masons — come along with us, we will do you no injury — one of the masons went away with these men — saw no liquor given to the masons — some stones were laid in the house — but he saw no stones or mortar there on the outside — heard the Mason's call out for mortar & lime — they were told there was none — on this one of the masons said he would go away — about 9 o'clk he observed some stone & mortar scattered about the street —

There were about 10 or 12 persons assembled in the house of the widow, who were drawn there as he understood from curiosity to see the chimney built at night — That he heard that it was said that there were some coming to renew the work in that case they would wait for them and aid them as they had done — but none of them had any weapons with them —

Saw D. ~~that evening~~ there that evening several times — the 2^d time D. came then he was looking for Lavallee — The 3^d time he came W^m. did not see him in the house, but

in

in the Street — he jumped out of the Calash of Lavalle he had a Cane in his hand, when in the house, about the size of his thumb it was a Cane he generally carried — ~~Saw~~ did not see the Cane in his hand when he came out of the Calash —

Saw Dumas there — he did not strike Dumas — saw him after the affair was over — he laid his hand on his shoulder & told him he had not struck him — saw a man having hold of Dumas, thinks it was Pre Thorin — but is not positive — That some one cried out there is some one in Dumas house that is armed on this ~~they~~ several persons went there — Saw no provocation given by Dumas for laying hold of him by any one —

Wick overturned a tombreau, as he had been fired at, about the same time — he had put his hand on Cart, when he was fired at —, he had no intention of doing any injury — it was 10 or 12 feet from Dumas' house — he was the only one at the Cart, there were others of his party near him, as well as persons of the opposite party — When he was overturning the Cart he got the blow from James Jones —

That he first heard was Dumas crying out, you are striking me, ~~it~~ & accused Wr — on this he advanced and said he lied, — and thereupon laid his hand upon the Cart but without any intention of doing any injury —

That one of the Shots fired in the Street was fired in the air — that while he had his hand on the Cart, he was struck by Js Jones & he then upset the Cart —

~~That~~ By Sole Genl

Cannot say whether Js. Jones was there when he went

across

across the Street to tell him he had not struck him
The Cart was then arriving, and close to the Pr
thinks the person who conducted the cart stopt —
as he laid his hand on the cart rather violently
and immediately rec.d the blow from Jones & he
then pulled over the Cart — There was another man
in front of him who aided him — It was on
the back part of the Cart he laid his hand — it was
Demarais as he was told who conducted the Cart —
That he was angry at being struck & pulled down
the Cart — had he not been struck he would not
have upset the Cart — That on this Jas Jones
cried out Fris Isaac, as he has already stated —

Xavier Paul Hays — lived at Sorel in Nov.r last — saw
D. after the wounds — was at Grenons that evening
about 8 or 9 o'Clock — heard shots fired, went out
saw a number of persons assembled — he heard that
D. had been mortally wounded — went to see him
at Pelagnie's — asked him who had done that
to him — The D. said he was done for, & that it was
Isaac Jones who had discharged him — That next
morning he saw D — he still appeared satisfied he
could not live — The D. was an honest & humane
man & much regretted in the Parish —

X.o
Did not strike one Bailey that night —
saw no arms with the persons who came out of the

house

house of widow's — There were 3 or 4 persons in the house of Grenier — That he had heard of the Chimney & went through curiosity to see it — Was at the widows, but staid a short time — There was a talk there about building the Chimney —

Franc. Rondeau, lives at Sorel — on 5 Nov last was at the widows — knew D. & And. Lavallée — saw him arrive there w. a Calash — did not see D. at that time — about same time heard shot fired, at the corner of the house of Dumas on the street — heard no noise before this — after this he heard some one cry out Fire, Fire after this another shot was fired — W was there in the Street, about 30 feet from Dumas & between it and that of the widow — Was in the Street before the first shot was fired — Saw Max. Ossant in the house went out together did not see him afterwards — Saw Dumas at his door, after D. was gone —

When he came out there was a Cart in the Street of he thinks was upset by Max. Ossant — does not know that Ossant was thinks — that Chas Demarais conducted the Cart & setting on it — & he was upset with the Cart —

Saw D. afterwards at Peloquin's —

x^d —

Was accustomed to pass the evening at Vve Paul's — that there were other persons there — there came a number persons upon them — when they went out — Went alone to the house — there were others there before him — went without any particular invitation — there was no talk of

the

the Chimney — D. came there — & went out with all the others who were there — this was before any gun was fired — Wm. is known by name of Culbert Rondeau —

Pierre St. Martin, of Sorel — was at Sorel the last day of the election when D. was wounded — went there in the morng — ks Prs — saw Jas. Jones at his house that day — went to pay him a visit — spoke about the election — Jones told Wm not to go to the Poll — as there might be trouble there — Wm. did not go to the poll.

Martin Paul Hus, de Courmoyer of Sorel — on the 5e Novr. last he recollects the accident qt happd — knew D. was intimate wt. him — met at Alexr Peloquin's that eveng about 6 o'Clock wt his party — left there wt. Peckt & Gouin — went to 2 houses & from thence to Gouin's supped there — about 9 o'Clk Lavallé came up to tell them that an accident had happened that D had been shot — found D. at Peloquin's — they said it was necessary to take his deposition — the D — said he was mortally wounded — asked of him who had done that said it was Isaac Jones — that before & after the Magistrate D told him that he met face to face wt Isaac Jones who had his gun presented to him, on qt. D. asked him what are you going to do, are you going to kill us — that he heard a voice cry out Fire Isaac

that

that on this Isaac Jones fired, and went away —
Knew The D — he was a man who was disposed to defend his country
& his right — he was a humane man — & is regretted

x^d —

D. said that on seeing Isaac Jones — he came in contact wt. him when Pr. presented his gun at him & asked him what are you going to do — are you going to kill us, we are not going to do you any harm — that he then heard a voice gt. was Is. Jones, cry out fire — D. did not state that he went up to Isaac Jones in Dumas lot — that he sd he touched the gun with ~~th~~ his cane & asked him as above — ~~Never said, Has~~ May have said, that if the Jones's had killed the D — they deserved to die —

~~After~~ at the Coroner's Inquest, the Jones's brt. Catara & Berard there — they told their story — but the Coroner considered their evidence of so little moment that he would not take down what they had to say — After this he spoke to Cantara who said he had told no more before the Magistrate than before the Coroner on this the Wr. then told him, that if they were men of honor, they would give their declaration anew and directed them to come to Montreal where the sd Cantara & Berard ~~were~~ gave their deposition before Mr Justice Rolland —

Pierre Triganne, bailiff — lives at Sorel — keeps a tavern there
Saw D. at Peloquins on the evens of 5 Novr. last
Saw James Jones that day at Wm Jones & at his own

house

house – it was about ½ past nine or 10 o'Clock at night – That one Bailey asked him for punch – he was in liquor –

Hector Martin – of Sorel – was at his own house on evening of 5 Nov. last – knows nothing of what happened about 9 o'Clock – About 6 or 7 o'Clk there was a number of persons assembled at Pelaquin's when a person came to tell them that they were building a chimney at Demars – they all to the number of 6 or 7 persons went there to serve the Masons – went to the house – one of the Masons called out for stones – asked for a large one & put it down asked for mortar, when a woman came in with a lapful of wood shavings, & the Masons directed her to put down there & the Mason put a stone over them – Some of the persons asked the Masons what they got for their work, one of them said he had 10/ for the night – one of this party then asked the Mason if he wd take 10/ to go and work for him – he asked what work – he said to go and take a glass – the Mason said he would prefer doing so – & went along wd. them – There was no disturbance during all this time, nor any violence used – W went to his house

The Work. heard noise and went to enquire he met Dr Holland, who said the D – had been mortally wounded – saw D. at Pelaquin's – who told him that Isaac Jones who caused his death

W

Wr said he might recover, but D — said he never could —

xd —

Thinks that he saw a couple of persons threw a couple of stones away from the plan where they were laid in the street —

Joseph Lerner of Sorel — shoemaker — knows nothing —

Franc — Tibus Cantara is a mason — was employed to make a chimney at the house of Dumas by Ls Allard about 5 o'clock in the evenz — Wr sd he was afraid it might occasion trouble, but consented as he had voted for Mr Jones — it was to be made by next day at 12 o'clk Wr engaged his journeyman — & was to begin immediately, after his supper — ~~Began~~ went to the plan about 6 o'clock, found no materials — went into a neighbourd's house — his sister in law — staid about 10 minutes, when Dumas arrived with a candle — soon after he heard a load of stone unloaded at the plan — & some ~~earth~~ gravel went to the house and began the work — Dumas then left him — and Wr went on with his work — when in 3 or 4 minutes a gang came up to the door — he was alarmed — they came laughing & joking & asked him what he was doing — he told them — he cried for stone — on this some of them brot them some stones & others brot chips as there was no ~~ans~~ mortar — they asked what he got for his work, he answered evasively, which made them laugh — they then asked his journeyman who said he had 10/ — said if he would take 10/ & go with them — he said no as he understood — they asked Wr if he wd take 10/ — he refused — They then offered

him

him some liquor — and he drank about ½ a glass. gave the bottle to his partner — who drank also — When asked for stone — they said there was no more does not think he had used a load of stone — he observed that his partner was gone — they then offered him wf — again, gh he refused — and after reflection he thought it was best to retire — he received no insult from any of the persons who came there — tho we had cause to be alarmed that one Thomin might come then of whom he was afraid, he thought best to go away, and did so accordingly —

×

He had also two labourers also with him, but they went away when the gang came up, he thinks they were frightened — he did not see them — afterwards — Cannot say what quantity of stone had been brought there, but he had laid only one layer of stone for the chimney — next day he went to see the work he had done, but found all the stone removed —

Louis Benoit vve Paul Heu — lives opposite the house of Dumas at Sorel — on the eve of 5 Nov. last several persons were assembled at her house, there might be about 15 a 16 persons there about nine o'Clock on the even[g] — They spent the even[g] in singing & amusing themselves — They at last said about nine o'Clock they said they would go away, she heard nothing of any complot, or any rendez vous appointed at her house —

That

That it is usual for persons to come to her house & spend the evening, altho' not in so great number — They went away, and she heard no noise or gun fired afterwards — there were no sticks or arms among them — that she saw —

x —

That D. came in and drank a glass of water — he went away alone — this was in the beginning of the evening she did not see him there that evening afterwards — That there have been at times more persons assembled at her house than there were then that evening —

Fran^s. Leguise — a mason — was engaged as compagnon to Cantara on the 5 Novr last — he was hired to make a Chimney in Dumas house — they were to begin after supper — went there about ½ part 6 — while they were at the neighbours a load of stone arrived — there was no mortar — there were 2 labourers — Rondeau & Berard — they made the first row in dry stone — they then wanted mortar — went out but found none — the stone used & those that remained might make a load — That several persons came to the house where they were — said they never saw a Chimney built in the night — one of them presented a bottle w^t. sum in it, q^t. W^r refused — asked how much he gained — he said 2 dollars for his job — one of them said you had better take 10/ from us & go w^t. Damase yourself — That he then asked for mortar — when a woman brot. in a lapful of chips to use instead of it

finding the chimney could not be built – he thought he could not be paid as the work would not be done &c. if any one will pay me I will go with you – on this Pelagrin S. he would, and gave him the 2 dollars and he went with them altho' he had determined to go away even without receiving the 2 dollars –

X

That Louis Allard hired him to do the work & told him if the Chimney was finished by 12 o'clk next day he should be well paid –

Charles Demarais, lived at Sorel in Nov last – that on 5th Novr last D. was wounded – Was at McNee's on that day say James Jones there – there were several persons – saw pistols there – two or three small pistols – does not know to whom they belonged – saw no pistols in the possn of Jn Jones – Wt. saw powder there in a horn which he thinks belonged to McNee – three persons were on the side of Mr Jones – saw no shot there –

Xd

Did not see the pistols loaded by any one – they talked of the Chimney & Wm carted one of the Carts – Wm had drawn three loads – That Wm set off as one of three loads – while at McNee's, one Lavallé passed in a Calash, and a man in the Calash – that on the way this Calash came back with one person only, when it turned back, and

heard

heard Lavallé cried out — ~~Mes~~ Horra mes gens les voila — that Paul Pelloquin took his horse head to turn him round — & when Paul Pelloquin, Alexis Pelloquin & Maxime Ossant overset the Cart — the Wt. was on the Cart, when the whole was overset — they were then about 40 feet from the house of Dumas — There were several other persons there coming up at the same time — after turning over the Cart — they seen on ag^t those of Jones' party who were coming on, crying out tue, fesse, abime Alexis Peloquin had a stick & also Aussant — but Paul Peloquin had none — The Wk. put up his Cart — & got up himself — met one Latour who s^d he was going to get his gun that D. was wounded — that there was a Cart of Crepeau, one of

That the other loads returned, and Crepeau unloaded in his own yard — Their persons came all from the house of Veuve Cotton — That Lavallée was with them — That he heard Dumas jump over into his own lot & called out that Aussin struck him — that Aussin came forward said it was not true — he had not struck him —

That the party of Pickle was the first to commence the attack — There was a great noise — Ws. went off & did not hear what they said — on unfretting his Cart, they cried out, tue, fesse, abime —

The Wk. was alarmed at the time — & was apprehensive the others might get some blows —

by Sol^t Genl. x x^d

That it was Paul Peloquin who slofet his Cart, ~~he~~ Ws wanted to go on, but Paul Peloquin, Alexis Peloquin, & Aussant got on the Cart & ~~who~~ overturned the Cart — Before his Cart was overturned he

heard

heard Dumas cry out he was struck — That Aussent had his hand on the Cart — heard no pistol then fired — saw Jas Jones along side him — saw him give no blow to Aussion or fire his pistol —

That he thinks it was Paul Peloquin who cried out tue, fesse, abime — no pistol had then been fired.

Defence

Laurent Dumas — he is the person at whose house the chimney in question was to be built to enable him to vote at the election, agreed with Allard for this purpose — went to open the house & the mason began the work — went to his supper, but before he went away saw Alexis Peloquin & Paul Peloquin with a stone carrying into the house — when he came back he found the masons gone & the stone & mortar all scattered about — went to Crepeau — who said the work was stopt — returned to house wt Crepeau found no one there — went into widow Lefevre's asked for Crepeau's son, she sd he had been sent away wt the rest — went in search of the boy, passing by Mr Nees ~~foo~~ was told they had been driven away from the house — went to Col. Wm Jones's & told him they could not continue the work — he told him to return & take some of his friends & go into the house & shut themselves in & prevent people from entering — Wt went away with several others to about 12 a 13 set out from Mr Nee's with 4 Carts loaded wt build's material, to protect the Carts & continue the work — when they arrived in the Street he heard a noise — Wt went

before

before to open the door — he saw a crowd of people coming towards him some of them wt. sticks, some with rails — one Thouin laid hold of Ms. by the throat & asked him where he was going he said he was going to his work — & persisted to go on — and ~~wanted to~~ seeing a great number of persons he that it advisable to get into his own lot — he could not then identify any of the persons ~~when~~ he got to fast part of fence he got on it, when Aussent gave him a violent blow on the back & throw him into his own lot — on this Wt. called out he was struck on his own lot — he is positive that it was Aussin — seeing an appearance of trouble he that it best to get into his house by the back door — and being inside he shut the door with a ~~hook~~ various ditto, and the front door by a piece of wood over the latch — here he heard the noise in the street — he looked out at end window through the opening of the ~~woods~~ boards — saw a man jump over the fence and another to follow as in pursuit of him — he then heard a gun which was fired in the air by some one at the gabel end of the house — it was the person who was pursued who had fired — at that moment the person pursuing jumped over the fence — that the person pursued was running ~~towar~~ to the bottom of the lot to save himself, and the other pursued after with a balon a Canne in his hand striking of the other — it appeared to him that he must have rec'd several blows as he did not turn round & they were running at same rate — being near the middle of lot by the well, then the one in front

turned

turned round, and they both appeared like persons fighting with sticks — and on this he heard a shot, and the people immediately cried out Murder — saw none other before the gun fired but these two persons — hired some person before this cry out fire up — after the report fired in the lot he heard a great noise in the street, tire fisse — thinks the persons near the well could not have heard the cry ~~of~~ at fire fire — after all the persons wh. the Carts had been driven off — they were pursued by the others crying out When they had all run off, a brigade came up to the house & said there is some one in the house they forced upon the door and on Chas Pazé came in the first — the door was forced by a stick or something like it — 3 or 4 came in & laid hold of him by the arms and forced him into the street — he spoke to Pazé & he hoped he did not mean to hurt him — he sd. come wh. us & you will be well — Alexis Peloquin came in also — he asked if he would not appear agt. them next day at the Poll — Ws said he had as good a right to go there as ~~with as~~ they had — Ws then found himself seized by the breast by Pn Thouin who struck him in the face twice wh. his fist & twice on the back of the head by some one behind — one of them said go along from here, or you'll get nothing good — That Edwd Denis & Chas Pazé

prevented

prevented them from striking him — being released he took to flight and run off — they followed him but did not come up wt. him — he went home —
Does not know the persons who came into his house but knew that Pagé was one — but when he was forced into the street he knew Alexr Pelloquin — Paul Pelloquin — Thouin, Aussent & others —
Has known Prs for several years — are quiet and good people —
That last day of the Poll the D. was much excited he is quarrelsome, & others are as much as he is —
That Aussin is a wicked person — Thouin, is a bully and always passed as such — fier-ce bras

xd

It was dark that night — Chs Demarais was in arrear of him — he was struck by Aussin, & on looking round he saw him — he run across the street immediately — & then he came back & sd he had not done it —

By the Court

That he some times looked through the openings between the logs & of the window behind the house the persons who were in the lot at the time one of them was pursuing the other — the well is about 25 or 30 feet from the corner of the house —

Edouard Denis lives at Sorel — Chas Pagé lived in another ~~[illegible]~~ end of the house — the evens of the accident he had some words wt. Chas Pagé about the election

Ft

It was said that Dumas was to give his vote next day — S^d. he could not he had no chimney — the person replied there are 4 Masons going to build it they s^d they w^d go and see it — went into Gouin's where they met ~~Charles~~ Xavier Paul His Courroyer — They went away from there to Alexis Pelogrien's — where it was asked if they had heard they were going to build a Chimney for Dumas, Madame Pelogrien said, yes — and the people are gone there to see — went from there to Dumas house & there saw a number of persons to amount of 20 a 25 knew Alexis Pelogrien — asked them if the Chimney was far advanced, they s^d. no the Masons are gone away — that they had given 2 dollars to one after that the same persons, in a number of them & others went into the house of Mad^e Cotton, in order to wait till the others came meaning Mr Jones's party — as their intention they expressed was to prevent the building of the Chimney — that the persons in the house must have heard this, if they were attending to what was said — They had some liquor there — saw there Chas Pagé, Duplessis — Alexis Pelogrien — Paul Pelogrien — Frans Rondeau Ron — Cuthbert Rondeau — Mr St Germain Maxime Aussenl — Baloche Latour, Pre Thouin, Martiall Millette & others whom he cannot remember — That while there D. came in he threw his Cloak off — and advanced to the table took a glass of liquor & eat something — then went away — about ~~a bout~~

about 1/2 after he opened the door in haste & called out his mes gens avez les voila que viennent il ne faut pas les laisser approcher meaning Jones's parts — All the people went out & Wm. also — and went up to a Cart that was coming up — saw one man layhold of the Cart and upset it — saw no person on the Cart or near the horse — he saw Sawtell — he saw D's party approach where the Carts were — the first thing he heard Dumas cry out that Maj. Aussen had struck him — on Aussent was on his left & Dumas on his right — and Aussent cried out is not true — I'm just come up —

Here the Court directed the Jury to be committed to the charge of the Sheriff to be safely kept and returned into Court to morrow morning at nine o'Clock — To which hour the Court adjourned —

Friday

Friday 6th March 1835

Presd

Ch. Justice & Justices Pyke & Rolland

The King
v.
Isaac Jones
&
James Jones

The Jury having been returned into Court and called over appeared, and the following Witnesses were examined

Edward Denis - says he heard Dumas call out - My friends I call you to wr that Mr Aussant struck him - Aussant & he had dinner just arrived - That Aussant laid his foot & arm on the Cart & upset it & came down himself with it - saw several persons about the Cart at the time - Aussant on getting up was struck twice wr a stick - when he cried out, it is you Jas Jones who struck me - at time the Cart were overset heard a shot at the corner of Dumas house - and soon after heard another report near the bottom of the lot - He heard 2 a 3 other shots in the Street - That Pickles party pursued the other party - saw one of them with a rail in his hand - this pursuit did not last long - they returned - saw one person thrown down by the person who had the rail - party returned opposite the door of Madr Cotton - & they must go & get their arms also - They then said there was some one in Dumas house wr a fusil - that Page went up & forced the door with a stick - he struck at the door - it opened - he

went

went in, & Wm also – others followed – cannot say what they did – he was look'g for fire arms – found none, and went out – Dumas was then out in the street – saw Thomas lay hold of Dumas by the breast, while another came behinds and struck him twice on the back, and at each blow laid himself behind the others – That Wm interfered to prevent Thomas from striking Dumas, as he had his arms raised – Thomas is a strong man – Saw Page get between them to separate them – That Dumas being released ran off in great haste –

Saw D– after the accident on 5th Nov– afterwards Wm asked him how it happened – he said when he heard the first shot he broke into the lot of Dumas to see who had fired – that he had seen Isaac Jones who presented his gun at him, that he struck the gun with his stick; and on striking the gun, he was struck by the shot in the belly – That D– then considered himself to be a dying man –

Saw Isaac Jones after he was arrested – saw his hand, which appeared to have rec'd a blow – the skin was off – and appeared fresh –

Has heard Page speak about the evidence he intended to give in this case, Wm gave his opinion that there should be nothing done to the Prs when Page s'd. if there is nothing done to them, one may set about killing who they please –

Knew D– & has worked for him – he was a violent man –

X

The opinion of Wm was for Mr Pickel –

The trouble began with D– he was then behind the Cart – Wm was opposite the Cart, & at about 15 feet from

from Dumas — here Dumas called out that Aussent had struck him — there were others between him & Dumas — observed Sawtell — after what Dumas spoke, he saw Aussent who was about 10 feet further off and about 25 feet from Dumas — saw Aussent about 2 seconds after — he appeared to wear up on one side of the Wits — Knows Aussent, who is very quick — when Aussent was struck — he heard no pistol fired — Thinks it was too dark to distinguish a person at 15 feet distance and still less a stick — Knows there is a well on Dumas lot — about 30 feet or more from the house — Does not know whether a person in Dumas house could see two person fighting together so far off as the well — thinks he would not have seen them —

Pierre Thouin — lives at Sorel — knew D — & Pers was at Sorel during the election & on the 5th Novr last — That D. was partizan of Mr Pickle — Was at Peloquin's house in the evens of that day — about 7 o'clk — Peloquin was not there — Xav. Paul & Duplessis, one Page were then there — They talked about a Chimney about to be built — they went to see the Chimney — went to Vve Pauls, where they could see what was doing — Saw D. come in. he drank a glass water, eat something & went out again — had a small Cane in his hand — On being told there were people in the Street, they all went out & saw a Carter on his Cart loaded wt. Stones coming up — W. & others approached the Cart wt. Max. Aussent — W put his

hand

hand on the wheel - there were several others about the Cart - does not remember any one spoke to the man the Cart was upset & unloaded - and the man on it but the man held himself by the Shaft & did not fall. As soon as the Cart was upset, a gun was fired at the inside corner of Dumas house ~~on the inside~~ D went into the lot to see who had fired - ~~it was~~ about 24 feet from the house - he had his cane with him - Ws followed him, saw none other bendes himself - when Pr Isaac saw D. come up he turned his back, the D - pushed him with his cane in the back, on that he turned the Pr asked D - what he was doing there, D you had better go home - that Pr had his gun ~~along~~ pointed downwards - on this D turned the Gun with the cane with force - on this Pr turned ~~round~~ back from the D - when D. gave a second blow, cannot say whether D struck ~~with~~ on the cloths or on the gun of Pr - when the gun went off - heard a voice of some one cry fire -

~~C~~

Did not see Dumas before the Cart was upset - Came out with Aussent from Vve Paul's -
The shot fired in the lot at the corner of the house was fired in the air - followed D - into the lot was near him all the time, was on one side between Pr & D - That Pr ran back from D - to about the middle of the lot, he here saw D. push at the Pr wt his cane - Pr asked him why do you push me thus - he did not appear angry - saw no other persons on the lot - the D - struck the Gun aside

and

and said dont fire — they spoke again together, ted not know what they d— when D. gave another blow wt his cane but whether on the hand of P. or on the gun to turn it aside he does not know, but for giving the blow he ~~drept~~ lowered the cane and the gun went off on this the D. fell — on this the W. cannot say who assisted to left the D. as wits run off, or even stumbled over the D —

Heard the word. Fire — while the P. & D. were speaking together that he heard the word D. fire — Isaac. — it appeared as if coming from the bottom of the lot —

By the Court — That the place where the D. fell was about the ~~distance~~ length of this room from the house that is, 60 or 80 feet —

Peter McNee has lived for several 15 Years at Sent — Knows all the Inhabitants — rem. the election there in Novr last. there were 2 Candidates — the contest was sharp — the feelings of the parties were much excited — Knows an accident happened of death of D — Heard that a Chimney was to be built — one Ls Allard told him he had contracted to build it — wanted provisions for his men as they were to work all night — he got the provisions & carried it away — returned in an hour, and said he had been interrupted in the work & given it up — he returned the provisions he had bot. and went away — That about 8 or 9 o'cl a no. of Carter came to his door & P. they were afraid to proceed — Dumas was with them several persons agreed to protect the Carts & determined

to

to go with the Carts — They had arrived about 20 or 30 yds from the house, the first cart was upset, one Peter Bailey who was at the first cart was knocked down and rec'd a blow with a brick — he fell & cried out he was killed — that Wt went forward to take him up, and rec'd a violent blow on the arm & injured it very much & almost broke it — Succeeded in rescuing Peter Bailey — and told him to retire as his life was in danger — in looking round to convey Bailey to the rear — he saw that all the Carts were gone & Wt was left alone — Several persons came up to Wt — and one of them attempted to give him a blow on the head he parried the blow — he did not make a second blow but he heard the word fusil — Wt took an old blunt sword at him for his protection — considers by means of it he saved the life of Bailey & his own life — That the persons who came upon the Wt & his party had sticks & one had a rail —

Heard a gun fired, after the Cart was upset & Bailey knocked down — The disturbance began by upsetting the Cart —

Wt may have used the word Fire, but it must have been to intimidate — he wd not have taken an old sword had he meant to hurt any one —

Heard a gun fired about the Corner of Dumas house, and seemed to have been fired in the air — There was a great noise and tumult — There was cause to apprehend for the safety of their lives —

Bailey was knocked down with a Rail — and he

he was besides rec^d a blow with a brick —

The noise was such that it was difficult to distinguish what was said —

Did not see James Jones after the Cart was upset —

Knows Pr Isaac Jones — a quiet, humane & mild man, and not easily provoked —

The D — was a violent leader at the Election — W^m was at the poll, when D. menaced the W^m he threw off his cloak and used violent expressions towards — ~~Isaac Jones~~ The D. was a man extremely violent —

The P^rs were not warm partizans of the election and Isaac was absent several days during the commencement of it —

x^2

That about 8 O'Clk in the evening several persons were at his house — he saw one pistol loaded by a man named Dandy who boarded w^r him — This man had a pair of pistols for sale — saw no person leave his house with pistols — The Cart stopt at his door — saw that about 10 a 12 persons went from his house with the Carts to protect them he will not say that none of these persons were armed w^r pistols — W^m was in the Centre & in different places — Dumas was at the head conducting them — W^m was opposite the 2^d Cart & about 30 yards from Dumas's house — after the first Cart was overturned the row began — That D — in going into Dumas's lot must have known what was going on in the

Street

Street from the noise that was going on there -

William Ross - Deputy A. C. General - was stationed at Swet for 2 years from 31. to 33 - Knew the Prs intimately particularly Isaac Jones - has accompanied him often in shooting excursions, where a man's temper may be easily discovered - found him a very quiet and peaceable man - he had a double barrel gun it was a percussion gun - is the same now shewn - instead of a pan & flint there is a cap which fits the touch hole in qh. detonating powder is put, and by a smart stroke on this cap the gun is easily fired off - it is a convenient but a dangerous invention - as a slight touch may explode them - that a blow on the gun would explode the gun if cocked - the trigger is almost equal to hair triggers -

Saw Pr Isaac Jones after his arrest - noticed the appearance of a violent blow on the right hand between the thumb & forefinger & appeared to have been inflicted by a blunt instrument - Had the pr held ~~the pr held~~ the gun to his shoulder his hand could have been less exposed had the gun been cocked his hand would have been more protected - had he meant to defend off an attack he would have brot the gun to the charge - had he meant to destroy his adversary he would have

Know D - he always active zealous in the discharge of his duty - but his zeal was not tempered wt. discretion he was a violent man - has acted with ice business - he bore the character of a turbulent man - He had a great influence among certain class of people in the village of Soul -

Edouard Demers, has known Prs upwards of 8 years - goes on shooting excursions to Sorel - sold a gun to Isaac Jones, a double barrel percussion gun - maker was Manton - The locks were of first rate - and on the trial of it he found to go off very readily & easily Gun now shewn is the same he sold to Pr -

Has generally seen the Pr hold his gun by the breach if he wanted to protect himself he would bring to the rest - if to destroy his enemy he would raise the gun to his shoulder - If the muzzle of the gun were down the hand would be more exposed - That a stroke on the chien-hammer, whether the gun be cocked or not, may make it go off -

Kr. James Jones for same length of time - The Prs are both quiet, peaceable, and mild tempered men -

The D. was a man of violent disposition who was often in disputes with others -

John Jones - Is the brother of the Prs knows their dispositions - the dispos^n of Isaac is that of a quiet man, never knew him in a passion but once since his infancy - knew D - during the election at Sorel - heard him say, that he would carry the election if he should rip up some one - Went to Gouin's wt Mr Pickle to take a cup of coffee wt him - Mr. Marcoux took a list of persons who would vote for him & who would be against him the name of Mr. brother - Mr. s^d that his brother had left the town to avoid the election & w^d not vote D. then struck out his name - & said if he does vote agt. us he shall remember me -

That

That after the arrest of Pre he that he would accompany him during the night - went to Pelagruis - was asked if he had seen the D- went in, saw him, he stretched out his hand to Wm and s. it is not you who have done this - That D. was also present before this - with Pre - and Pre had been bail for him some time before went into the room where D. was at his wife requested her to retire & take some rest, and he would take her place she did so - soon Dr Haller came in & bled him & Wm assisted him - begd D to tell how it happened saying his brother was remarkably quiet - & he must have been provoked him - he began to speak about a building a Chimney - that he had seen a person fire and he jumped over the fence, he struck the person, and on giving the second blow he recognized that it was Isaac Jones - here D- began to get weak, and finished by saying it is my own fault - and his wife observed had you followed my advice this would not have happened -

Knows Chs Page - has heard him say that if the Persons accused were cleared, they might all begin to talk -

Knows one Pre Carpentier, servant of McKnis - was present at Coroners Inquest - this Carpentier appeared him somewhat intoxicated - remarked it to Wm that saw Carpentier at the bar several times that day, drinking rot. Gossin's Clerk - he spoke well enough but from his appearance -

Saw Martial Paulette at the Inquest - Have been several times in Coroners with the witnesses - & Mr Carpentier in private at the Coroners Inquest - & Wm complained to the Coroner

of

of his conduct

Saw a bruise and cut on the hand of his Br Isaac - it appeared to be the effect of a blow, he saw it the night of the 5th Novr -

The Gun now shewn is the only gun in the house and belongs to Pr Isaac - Ws had been out shooting wt it the day before - & wit brot it home loaded wt Snipe shot & left in the house behind the door -

X -

That after Ws remarked the State of Carpentier at the Inquest, he was cross-examined by Mr Hart - his manner & action shewed some alteration qh Ws observed - but he answered clearly enough but several persons observed that he was under the influence of liquor -

That last Summer he was a shooting and ~~a~~ ~~being~~ a shower coming on, he took refuge under a tree, when his dog seeing a squirrel run at it and in passing threw the gun agt the tree, and by the blow the gun went off, and carried off a part of the brim of his hat -

John Stanley, advocate - was present at the Coroners Inquest held on the body of the D - was present during the examn of a servant of Mr Nees, a young man, believes he is named Carpentier - When Carpentier began his evidence Ws did not observe that he was intoxicated, but after what Mr Jones & some others remarked, he observed that he was intoxicated and Ws & Mr Hart mentioned to the Coroner, it would be improper to take his evidence but Coroner said, that if the person said he was

sober

sober and agreed to give his deposition, the consequences must rest with himself — ~~the same~~ observations were made as to the Conduct of Martel & Paul Hess, who appeared more disposed to act as partizans of an election than with a view to render Justice —

Character of Pres^n —

D's character — violent & turbulent —

Louis Roi — lives at St Gregoire — was at Soul on 5. Nov. last was in the house of Vve Collon that even'g — saw several persons there, thinks he was in the house before they came — it was in regard of a chimney gt the Bureaucrates were going to make in order to get a vote for next day, & this party was disposed to prevent the building of it — knew late Marcoux — saw him once before then he came there that even'g — first about 7 O'Clk. he went off & came back again — the last time he came back, he asked for something to eat, gt was given to him — he then went away — A few minutes after he came back — thinks they heard a cart — coming up some one said, let us go they are coming they all went out & Wm remained in the house — D. took a baton from under the table, but ~~from~~ where he went with it he cannot tell — it was not quite so thick as a Constable's stick — but appeared like a Bondin of Cord wood — it was dangerous weapon if used to do mischief — it was beech wood — after they went out, he heard ~~a~~ one voice he remarked he heard noise beside — what he heard was. that

D

D. was dead — ~~heard~~ —

William ~~Jones~~ — Morrison, lives on Middle Island near Sorel was at Sorel during the late election — There was much excitement among a part of the people Mr Pickle's party — they appeared to go round the village as if to render themselves master of the place — On last of Octr he was on the Royal square wt some friends & among them Paul Thos de Cournoyer — observed a kind of move about the Poll — on this a man came up and stript and wanted to strike him — and the crowd advanced crying out, fight, strike, and among them was the D — he was saved by the exertions of Cournoyer —

The D. was a violent man — and in a state of irritation was a dangerous man —

William Jones — Is not related to Prs lives at Sorel — keeps a hotel there — on Evs of 5 Nov. last Col. Jones & John Jones the Candidate were at his house — remembers that a person named Dr Allard & asked if either of sd gentlemen were in his house — he said yes — sent his servant to acquaint Col. Jones of this — & in consequence Allard was shewn into another room to see Col. Jones — Did not see Allard till he saw him at Mr Nees — when he saw some Carts loaded wt stone & brick, & the person have charge of them in Mr Nees, understood that these

materials

Materials were to build a chimney at Dumas —
understood they waited for assistance to go with them
as they had formerly met with difficulty — Some of
Dumas friends went along them and the Pr. Ld. Jones
and several others to amount of 10 or 12 — they went
on towards Dumas — stopt just at Frizannes — and
from thence they went to Dumas house, when within
20 or 30 yards of Dumas house — he saw lights from
2 houses — there was a rush made by a number of
persons, when the only one he recognized was Aussent
who jumped on the back of the Cart in front and
overset it — he was not w.t the front Cart — no
provocation whatever was given — Mr Jo Jones & Ws
were arm & arm — they separated — saw no pistol
nor any other arm in his hands that he saw that
night — Ws had a pistol to protect himself in case of
being attacked — Ws went into Dumas lot before
the Cart was overset — he followed Isaac Jones —
who had gone on that lot — Jones went up to the corner
of the house on the lot — when he entered the lot he
observed Aussent who upset the Cart, & upon that
a great rush on Jones' party — on this Jo. Jones
fired one of his barrels of his gun in the air — the
same gun now shewn — as he believes, as he never saw
him chng any other — Then saw his party scamper
down the lot to save themselves — Said J. Jones
running down the lot & 5 or 6 persons pursuing him
seeing this, the Ws crossed the lot and got into

another

another street — could not distinguish any of the persons who pursued Jones — it was too dark Jones had got as far as the center of the lot, when he saw him — cannot say whether D— was then wounded.

That it was after he saw his party run, that he turned round and saw Isaac Jones running — It was a scene of confusion, and he thought his life was in danger —

He distinguished one man with a stake in the act of making a blow at some one —

Thinks if any one had cried out Fire Isaac Fire he would have heard it — he was then about ten yards distance from J. Jones — Thinks if any one had called out so, he would have heard it sooner than Isaac Jones who was further off in the rear of the lot

Observed after this the mark of a blow on J. Jones's hand, it was ~~a~~ cut towards the wrist — saw it on 6th it appeared like blow of a stick —

Knows D— to have been a violent boisterous man —

Peter Bailey — lives at Wm Henry — has lived there 14 years. On the evs of 5 Novr — he went wt some others to aid a man to build his chimney — set out from Mr McNees — there were 5 or 6 persons — they got pretty near Dumas house, when a number of persons met them and he was knocked down in the street ~~with a rail~~ — by a blow in the side, thinks it was a brick — cried out, that he was killed —

That

that McNie came forward and assisted him to rise and told him to run for his life — when getting up he saw a man aiming a blow at him with a rail, but he escaped — he was pursued —

Luther Sawtell, lives at Sorel — Wm was responsible to Allard for one half of the money to build the Chimney of Dumas — Wm was at Peter McNees from ½ part 6 that evens — a little part 8 — McNee came in & said that a party had destroyed a part of a chimney of Dumas and he asked of Wm if he wd go there to help to build the Chimney — Wm went out with about 10 or 12 persons and went towards Trigaune's to get him as a peace officer to enable them to keep the peace — Trigaune could not go wt them as his child was sick — they then went on, he saw Isaac Jones come up to them about 2 or 300 yds from Dumas — Being about 20 or 30 yds from Dumas house, a crowd came out of Madme Collon Paul came up to the first tombeau crying out tue bas frappe abas — could not identify any person, as it was dark — there were 3 or 4 loads of stone coming up at the same time — as they went on heard Dumas say my friends I call you to Wm that Aussent strikes me — immediately the Cart was upset — heard a shot fired at the end of Dumas' house and in the air as he pursued — There was then a very great confusion & noise — a few seconds after Jas. Jones run past him going away from the party and returning the way he came — very soon after he saw Peter McNee

come

come forward and left up some person and tell him, Barley run for your life — After this McNie run part in the same direction as James Jones and some persons pursued him — The Ws heard a second shot fired towards back part of the lot — about time that James Jones run past the wits & Jas Jones could have nothing to do with that shot — Witt did not hear the word fire — it might have been said he did not hear it —

Character of Prs

Isaac Jones when he joined the party had something under his arm — that he had no communication of the intentions of the party that left McNie's house — Gun now shewn is the gun ye Is. Jones usually had in his possession It is a percussion gun — easily discharged — Jones usually holds his gun usually at the ground charge — Saw hand of Is. Jones the morning after he was arrested, there was a part of the skin was taken off and the hand swoln, it ~~was~~ appeared as a bruise with some blunt instrument

That when the hammer of the gun is down, a blow given on the gun might strike the hand — and if the gone were to go off suddenly while held loosely it might recoil & hurt the hand —

Charles L. Armstrong Ks Prs lives at Sent — Character of the Prs good & quiet — Knew D — noisy & quarrelsome — He was a leader at the election —

Edwd

Edwd. W. Carter, surgeon at Sorel and Just. of peace — Mr was called before the Coroner's Inquest — Thinks he saw Carpentier, Mr Nee's boy there —

Character of Prs — Character of D — violent man — was often before the Magistrates —

Edmond Peel — lives at Sorel — knew D — he was quarrelsome man — always in difficulties with his neighbours — Character of Prs good —

Joseph Nickless — knew D — very well — he was a man of a very violent disposition and a dangerous man — heard him say he would gain the election at all risks

Character of Prs —

Hugh Massy Barret. Just. P. lives near to Sorel —

Character of Prs — Character of D — he appeared to be a violent character and a leading man at the late election —

William Osterout, knew D — a day or two before the election he met him in the Boat going to Sorel — asked him if Mr Pickle or Mr Jones would gain — he sd he did not know, but if Pickle did not gain there would be blood shed —

Saw Isaac Jones who told him he did not mean to stay at Sorel during the election —

Jos. Timothy Gaudet — Character of Prs

That a blow on the gun with a stick would make it go off, even ~~with the lock~~ not cocked, he has made

a

a trial of it this morning, and found upon two experiments by a blow on the side of the lock and on the top of it and it went off both times

Knows that Isaac Jones was in Montreal at the time of the election, said he had come there to avoid the election, which he thought would terminate on the Saturday when he would return —

Arthur Farquhar — was at Sorel during the Inquest held on the body of D — was there when Carpenter was examined — it appeared to him that he was not sober — That Martin Paul was speaks to the boy while he was giving his deposition Wm mentd it to Mr Hart, who told Wm to watch him — Martin Paul heard this, and when Wm went into another room he shook his fist at him — Saw that Mr. Paul was making himself very busy —

Joseph Boisvert lives at Sorel was in the employt of Crebassa — the house of Mr Paul — Wm was sent to that house between 8 & 9 O'Clk that evg — saw a number of persons — spoke to Aussent — asked him of Paul Hus was there told him to speak to him — he came & Wm delivd his message qt was to remove the earth from Mr Crebassa's Cellar into that of the D — on which D — heard his name mentd he

came

came out in a fury, that said to Wm they wanted no spies there — Wm sd he was no spy, but came there to speak to a man a wanted — That some of the persons there came out & spoke to one Thouin — who laid hold of Wm and conducted him to some distance from the place

The D — is a hastyman —

Michel Forcier — Knows last Wm was in the service of Mr Crebassa — on 5 Novr he recd orders from Mr Crebassa to do some work for him and to get André Paul to assist him — he went to the house of Madr Paul, & saw Aussent & told him to ask Paul Hens to come out & speak to him Paul Hens came out and Wm being a little faithe off the last Mrk gave the message to Paul House — gh was to throw the earth out of the cellar of Crebassa on D's lot — That ~~some D~~ came out and in a passion asked them what they were come there for, they did not want spies —

That he heard the wife of Pelloquin tell her husband that two men were not sufficient to prevent them from building the Chimney — Pelloquin said if two are not sufficient he would take care to get enough —

That Wm was alarmed at the conduct of these persons — Pr Thouin took hold of his arm roughly and told him to be off —

John Crebassa — Is a Justice of Peace at Sorel — Character of Prs —

The two last Wk were in his service on the 5th Novr last, and he directed them to get get two young men to work for him next day —

Here the Court directed the Jury to be committed to the charge of the Sheriff to be safely kept and returned into Court to morrow morning at nine o'Clock

Saturday 7th March 1835.

Presr

Ch. Justice & Justices Pyke & Rolland

The King
n
Isaac Jones
&
James Jones

Trial continued

The Jury having been brot into Court and called over, appeared — and the evidence was continued —

Edouard Crepeau lives at Sorel — son of Medard Crepeau — Ks. Pn. Wr carted materials for Dumas Chimney on 5 Novr last — carted a load of Stone about 7 p o'Clk — Louis Allard was with him — D. & Alexis Pelogeien came up as they were near the house Paul Pelogeien Maxime Aussent, André Lavallée — Alexis Paul Mr — were

also

also there — did not see Duplessis — there men came to his Cart, and asked him what he was come to do there — and told him to be off — Wm wanted to unload the Stone — they put them back again into the Cart — scattered the sand — on this Wm went away in order to give information to Allard. He met Allard's ~~father~~ & went back to place where he had loaded the Cart — went wt him to McNee's — from there they set out again & Wm father took charge of the Cart, & they got near Dumas house, when 30 a 40 persons came out with sticks and ~~the~~ poles to stop them — Wm was not one of the first — but on hearing the noise he went back heard three persons cry out Tue, assomme — he heard two shots fired — was alarmed, and returned back again

X

Stopt once at McNee's — went into the house — saw Wm Jones, Jas. Jones — Bailey — Ls Allard — & others — saw pistols there — some of them had them in their hands — there were two or three pistols — saw powder — they were loading pistols — McNie was there and might have seen what passed — saw shot there — saw one ball there — they tried it to go into the pistol it was too large, & they then loaded wt shot — saw some strangers there — Wm was outside when they left the house does not know whether they took the pistols with them — saw 3 a 4 sticks there — thinks that Wm Jones & McNie tried to force the ball into the pistol — they were 2 a 3 of them all around —

Thinks that there were 2 of pistols, that belonged to McNie, but does not know to whom the third belonged —

Louis Allard, lives at Sorel — was hired to build a Chimney for Dumas on 5 Novr last — he hired others to assist him — his father, Crepeau, Berrard & others — Wm sent two carts for Mertin — & got Crepeau's son to cart a load of Stone —

Wm

W went to McNiee for provisions — it was necessary to work at night as the Chimney was to be delivd — by mid day next day — Crepeau's boy came to tell him he could not build the Chimney — as there were persons there who had scattered the stones & earth — Told boy to remain — went to McNiee — returned the provision he had got from him — & told him the reason — Thinks that some one said, they would go with him — ~~that~~ and an arrangement was made for this purpose — went to enquire of Col. Jones whether they had a right to build this chimney he said they had, & would work at night or day — They then returned back to McNiee — he was however more disposed to go home than make the Chimney — The Carts were assembled at McNiee — They set out Dumas & Demarais were in front — When he was near Dumas he heard him cry out — Dumas cried out I take you to Witn that Max. Aussent strikes me — the Ws afraid of disturbance & hearing a noise Ws got the Cart of his father and returned to one Beaublac's — That on ~~hearing~~ turning round to go back he heard the upsetting of a load of stones from a Cart — Grappd that a number of persons was assembled there — there were cries — here they are, let us go and meet them — the Ws was in the rear, and would not distinguish any one — Ws was under alarm, & requested a person to pass the night with him. —

That D — was a violent man — when he undertakes any thing he is determined to carry it through —

Saw one or 2 pistols inside the bar — two persons were about loading them — saw snipe shot — but no powder — thinks there was powder — McNie said they must not take pistols with them — That McNie told his boy to go for sticks — Did not see any one bring pistols away with them —

Louis

Louis Loney – Ke. Martel Paulet – saw him here as a Stiff
Was at Sorel on 6 Novr. ~~and~~ when Martin Paulet
was in conversation wt. several of Pickle's partizans –
he said he would hang all the Jones's – has heard
him talk often in the same way, and seemed much
animated agt the Jones's – Knew D – his conduct
during the election – it was violent then as upon most
other occasions – Was at the Poll, and saw D – and
Martin Paul & Peloquin & others who were masters of
the Poll. – Was at house of Louis Paul, Berard
came in – & Martin Paulet came in & sat on the Counter
observed Berard – asked if it was possible it was
true – after having made an affidavit agt some of his own
people – Berard said that he had spoken the truth –
said he must go up to Montreal and give another affidavit
contradicting what he had said – Berard seemed to hesitate

Antoine Berard – lives at Sorel, was there on the 5 Novr last
Ke. Martin Paulette – is a brewer at Sorel – that Ms
had made a declaration before Mr Crebassa in favor of the
Pns. Paulet told him he had done wrong & that he must
go to Montreal and make a contrary declaration – Ms
came up, and had a declaration made up, but did not
take his oath – Paulet had a declaration made out
at Sorel by a person he knew not – but thinks he was
an advocate –

Medard Crepeau of Sorel – is a butcher – Knows they were to
build a chimney on 5 Novr last – Ms had a share in the
Contract – Ke Dumas – who has a house there – It was an
old house – gh he was repairing & the old chimney was
taken

taken down — the opinion was if there was a chimney erected he would have a vote — That Allard was hired to do the work by midday next day — W. was asked to cart materials — sent his boy & one of his carts, about 6 o'clk in the evening — the boy was to make 2 loads — seeing the boy did not return he was uneasy — Dumas came & told him that the work had been stopt & the materials scattered about — Found his boy & cart at McNees with 3 or 4 other carts loaded — went to inquire of Col Jones to inquire how they should proceed — he is a J. P. — he told them, that they might go on with their work W. returned to McNee's — found the people come out, he took reins of his own horse & went on towards Dumas wt. the others — when about 70 feet from house W. who was in the rear, heard Dumas cry out. Max. aussent me frappe — at same time the cart wt stones was overset — Noon frightened his horse — heard report of gun — he saw a number of people in front in the road, and rails lifted in the air — W. was afraid and turned back, & he thinks there was danger — The cries he heard even, d'assommer de frapper —

Heard some one cry fire, and a shot was fired in the air — gt. he thought was to alarm the people

Knew D. to be a violent man — There was a band of violent men at the election who carried things with a high hand, and D. was at the head of them — and there were times when W. would have been afraid to come forward to the Poll — Some of these men told him that they were paid to support the party of Pickle — has seen people insulted by them, & he

has

has himself been insulted —

That Max. Aussent was there, he is violent — one Thorin s^d. he was paid for being there Alexis Paul Hans Alexis Paulette — Alexis Pelaquin — Lavallée — Chas Pagé — Jos: Lessier — & Hector Martin — these persons from day to day were about the Poll —

Has seen D — insult the Candidate Jones & Col. Jones and all that party —

x^d.

That when the people came out from Mc Nees — he saw some of the people have sticks. —

Richard Hall — gun Smith — is acquainted with the nature of Percussion Guns — Manton's locks the best — one of properties of percussion locks is that it answers to the slightest touch — he repaired ~~the~~ one of the locks of gun now shewn to him — M^r observed the springs were too strong — that stronger the spring, the easier it is easier to discharge — The gun goes off very readily — has tried gun w^t. Caps — made it go off with a stick — not very large ~~strong~~ — stick — (one of them tried in Court before the Jury) and the gun exploded from a blow by a common walking Cane —

Here the Prisoners closed their Evidence —

The Court in determining upon the application of the Sol^r. General that the deposition given by the Wits Carpenter before the Coroner should be read, granted the application —

The Jury having been charged by the Court retired to consider of their Verdict, after a deliberation of about half an hour, returned a verdict of Not Guilty ag^t. both the P^rs who were thereupon discharged —

The King
vs
Pierre Gagnon } on Indictment for Burglary

Michel Desnoyers, aged 18 years, lives at Richmond lives on a lot of land there, his sister lives with him — In Augt. last he & his sister left the house and went to St Rock — returned next day, found the window shutter — his father & sister left the house after him — all the articles in the Indictment were his property except the petticoats. — he saw the trowsers afterwards on the Pr — knows them by a rent in them — they were of grey cloth.

Saw Pr in his parish the day he went to St Rock — Pr asked him where he was going. Wn told him — Pr then asked him if he returned home that night — Wn said he was not sure —

Verdict. Not Guilty

The King
vs
Fanny Burnside } on Indictment for assault and striking out an eye —

Benjamin Patterson — the Pr is his wife, is married 10 years in April next — has one child alive & one dead — he is unhappy in his family — has lost the sight of one Eye — sees a little — Had a Carpenter at work & Wn went out to buy

buy a parent of a door — ~~his girl~~ that two people came in & bot. some things in the Shop, & the Pr sold them and recd the money — and then asked Ws if he had recd the money — S. he did not, that he had not been in the Shop — the Pr flew in a passion took an ax & broke a pane of glass in the kitchen — The Pr then made a blow at Ws with the ax, but it fell on a boiler and cut a piece out of the side of it — Ws then went behind her took the ax from her & hid it in his bed room between the bed and paillasse — The Child began to cry in the Cradle and he took it up in order to pacify it and while he was nursing the Child, she took up ~~an iron~~ the handle of a mettle pan and gave him 2 blows wt it on the back — Ws put back the Child in the Cradle, took the instrument from her and laid hold of her & beat her, giving her some slaps wt his hand — she then agreed to be quiet, the Ws then asked her if she would take the Child, and was handing the Child to her when she stretched out one hand to take the Child, but with the other hand made a blow at him with a sharp instrument which struck him in the eye + she was then standing on one side of Ws it was about half part 10 O'Clock at night on 12 Jany last — there was no light in the house

+ which cut some of the optic nerves & has destroyd his eye altogether, & he has been told he must lose the side of it

house, as the Candle had burnt out — The Witness then run out of his house apprehensive of further danger — he went to a tavern about a quarter a mile off — where he remained nine days — The Pr. sent to enquire if Wt. would return — he did return, when he found that the Pr. began to threaten the Witn. and he went away a second time — at end of 4 days she sent for him again — and when she began again to threaten Witn. Wt. went off a third time — but he found he was not safe wt. her and went away again —

Wt. bot. a Colt — Pr. would not agree to the purchase, unless it was a purchase in her name — when she began again to threaten the Witn. when ill in bed threw a Candle stick at him, and threatened to take his other eye —

Thinks that Pr. is at times deranged in her mind — is not habituated to take drink she takes a little occasionally & was then much more violent —

Believes Pr. to be now in the family way — she always had a passionate disposition

Defence

Jean Laberge — Ks. the parties — carried on business for several years at Grenville — Knew the Pr. then, she was an active smart woman & attended well to her

concerns

concerns — has left that place three years ago — never knew anything

Paul Brazeau — lives at Grand brulé — is on the road to Grenville — Ks. Patterson by having seen him & his wife passing there — they stopt there in the course of this winter and slept together there — knows nothing particular respecting them —

Verdict. Guilty

Monday 9th March. 1835.

Present

The Ch. Just. & Justice Pyke ~~[illegible]~~

The King
vs
Louis Fraser } On Indictment for petty Larceny —

Thomas Doyle, — never saw Jessopa Church, Wit was engaged by Redford Robbins their agent to act for them — they live in Prescott — he keeps Books in their name, & their business was carried on under that Firm — they carried on the forwarding business to U. Canada In the month of October last one Ward lived in house of Wt — and as went out in the evening to go to Mrs Cirrol they went there, and while there one came there

there to ask if he had been in the Store, and his servant girl came to tell him there was light in the Store — went out wh. some persons & saw the light, went into the Store, heard two men going up stairs — they put out the light — and one of them knocked him down — and thinks they jumped out at the front window — he called to ~~and~~ the men to watch the door — he got a light, & on examg found that several articles in the Store — and they found behind the door the Pr. at the bar — and on the outside the door was found a bag, and a pair of blankets in it — these were brought to the Police office, and belonged to Jessup & Church & are worth 20/ — there were spoons & razors scattered about in the Store — the bag is worth 10d — Saw no bag at the door when he went in — That there were two men who forced their way out of the door by throwing down Ward — & thinks they left the bag at the door when they went off as one of them also left their hat behind —

Witness corresponds wh. Jessup & Church, who are known here as possessing a Store & carrying business in Montreal as Merchts & forwarders

Never saw the Pr. before — there were 4 other persons who were in the Store besides the Pr. all of whom escaped — Ws. searched for the other prisoners but they went off — the Pr. was inside the Store behind the Store — Pr. had a stick in his hand which was used as a poker in the Office — The Pr. being asked what he was doing there, he said he had come to see

the

the fun as well as the rest —

That the blankets were in the Store & had seen them that evening when he locked the Store — some of the goods in the Store appeared to be scattered about and out of their places —

Thomas Hardy. That on evening of 24 Oct. last he went wt the girl to Mrs Carrol's for last Wy — they saw a light in the Store, near the house where Doyle lives Asked Doyle, if any one had the keys of the Store he sd no — went to the door saw light there — they all went to the Store, found the door open — & on going on a person forced his way down & escaped, Doyle asked for a light — Wt went down & told them to bring a light — they then examd the Store up Stairs — found no one — came down again & found the Pr behind the door wt a stick in his hand — The saw a bag out side the door — The Pr was found behind the door below & the front door — the one which closes up the Store —

The Prisr called no Witnesses

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

The King
v
Gabriel Girard } An Indictment for stealing above the value of £15 — on a Wharf adjoining a Navigable River —

Orlin Bostwick, lives in Montreal, leads largely in

largely in leather — On 9 Oct last made a large sale of leather — Cowhide leather — to extent of £6. a £7000 — Know Chs F. Pratt of Quebec — he was a purchaser to amt of £6. a £700 — it

Semelle — was principally sole leather — he bot also 150 sides Cowhide leather — Ws. sent forward to him — ~~except~~ he saw it when it was sold to him & adjudged at the auction — directed Ws. to ship the leather for him to Quebec — the whole was shipt on board of Steam boat by his order

On Monday 13 Oct — they shipped one load on board ~~Can Pat~~ Lady Lake. 31 rolls & one box — on Wednesday after he saw the 31 rolls & box on the Wharf — he made enquiries — Mr Turner s. that the Lady of the Lake had left it & that the Canadian Eagle was to take it — A few days after they recd a letter from Mr Pratt that he had recd the 31 rolls of leather but not the box — the box contained 72 sides — & believes it contained 88 — it is sold at 15/ side — & was surprized to hear of the accident & thot. it might be found out — A boy in their retail shop — told Ws that one of his Customers had told him that they had bot. the leather at 7/6 — asked Lefevre to bring some of the leather to the Store — Ws. on seeing it recognized it to be part of the leather he had put in the box, that had been shipped for Mr Pratt — there is a their own market # B. &

also

also another mark by the Manufacturer — the marked * D was on every six of the sides — a every side has an x at the Corner, gt is put by the manufacturer Is convinced that the leather is part of same shipped in the box — Says, this is the only leather wt that mark gt had sold at that Sale. & Mr Pratt is the only person who had purchased of that mark — The Wr had none other of that mark in their possn — Saw a few sides of this leather afterwards brought to their Store by Lefevre — saw some of same market at one Jaquettes —

x

Mr Patrick Droongold had consigned this leather to Wr — he may have consigned other leather of the same kind to other Merchants in Montreal —

Saw the ~~box~~ leather put into the box — Saw it on board the boat on the 13e Octr — saw it on the wharf on 15 — in seeming good order — same one on board the Canadian Aigle sd. it was under their Care — Ks Pr has employed him to cart —

Jn Bn Choquette — ~~Bat~~ Exchd leather from Vasseur in Octr last 5 peaux de veaux pour le peaux de vaches — consider avoir page 12) from chaque coté — et se trouvé 5½ peaux parmi ceux qui se trouvent ici —

x

Entre 24 & 25 Octr — qu'il a acheté cette Cuir — The Pr came to ask him if he wanted any Vache — cow leather — that he had intention to change a horse for leather with an American who had a leather at his house — that the

American

American asked 10/- the side suggested Wm to come & see the leather — Pr was anxious that the Wm should go immediately — that Pr was apprehensive the American had not paid the duty on the leather —

Knows Pr for several years considers him to be an honest man —

It is the first time he knew that Pr dealt in leather — said to Wm he would endeavour to retain the American until 9 O'Clock if the Pr would come and see him —

Nicolas Vasseur — Cordonnier — Ks Pr — In Oct last he bot leather from Pr on 20 Octr last — he bot 8 sides, at the rate of 7/6 the side — The Pr is a Carter — he sent for the 10/- to buy leather — he found the leather cheap — he exchanged six sides wt Mr Choquette —

He recognizes two of the sides gt ~~he exchanged~~ even seized at his house which he had bot of the Pr

Wm went on demand of Pr to see him on a Sunday who told Wm he had leather to sell — shewed him 2 sides & on the Monday 6 sides more gt he exchd wt Pr — The Pr told 10/- if he knew of any one who wanted leather to let them know — thinks he may have similar leather for 8 or 9 shillings he bot the leather to Wm on Monday about 9 O'Clk in the day — Ks Pr considers him an honest

Eustache Lefevre — shoemaker — In 20 Oct last he bot. 2 sides of leather from Pr — was told by Dr. Amour that Pr had leather for sale — pd. 17/6 for the 2 sides — thought the price fair — Pr told Ws to return at night & he might have 12 more sides to sell — went did not find Pr — who came next day, told Ws to come back next day 21 & see the leather that it was the last he would have to sell — Ws went & saw the leather, & engd. if it was contrebande — the Pr said dont be afraid, if there be any danger, it shall be for me — he then paid 19 dollars & a half for the 13 sides — he found the leather not to be too dear — Ps sd. the leather might be smuggled but that Ws should not speak of this to every one — That this leather was afterwards seized by the Constable Malo — & one Turner —

Thinks the leather now shewn is the same he bot. from the Pr — he had used two of the sides — That the leather he bot. of the Pr is the same that Malo carried away w/ him

The 2 sides leather was at the door of Pr when Ws was there it was in the morning — The 13 sides were in the Salle — said he had the leather from an American for sale — & told Ws he might have 36 days Credit —

Ks Pr for 5 & 6 years — never heard any thing agt him he never suspected that Pr acted like a man who had stolen the leather —

John Henry Turner — was clerk & agent on board the Lady of the Lake — on 13 Oct last there was a consignment of leather

leather from Messrs Gregory Boswick & Co to Mr Pratt at Quebec —

That Mr Boswick jd on board 31 rolls & a case of leather — there were 72 sides in the Case — That Messrs Boswick & Gregory told him the marks on their leather were HD & and a cross on each Corner — found 13 sides at Lefevre — marked in this way — Malo was wt him —

The 31 rolls & box were put on board the Lady of the Lake — the box was re-landed on the wharf with some other articles to be sent by the Canadian Eagle — this box was missing — & was never recd on board the Canadian Eagle —

The Pr. sd. he had recd. the leather from an American — but neither knew his name nor his residence — he said he had sold only to Levasseur and to Lefevre only — & that only for ready money — Found however that Pr. had also sold to one — ~~Charland~~ Ferland — & he understood from ~~Charland~~ Ferland that he had purchased on credit —

Found first time 2 or 3 sides of leather at Ferland's
Found nothing at Girards — the Pr

Louis Malo. Constable, in Oct last he went w last Ws. to the house of Pr. wt a search warrant — the Pr was not at home — Pr afterwards told him he had the leather from an american for sale — They found leather with the marks of Gregory & Co gt. the Pr had sold, at Vasseurs at Lefevres & Ferland's

They

They found 13 sides at Lefevre's — 2 sides at Vasseurs, five & a half at Choquettes, & one whole & one side cut at Farlands — all these sides were marked in the same manner & with the same mark —

This leather has remained in the poss^n of W^s since

*

John Athanase Delisle — W^s saw the box of leather on the wharf the day the Lady of the Lake went off to Quebec

Defence

Edouard St Jean — Ks P^r — That about the middle of Oct last an american proposed to W^s to exchange his horse for leather — q^ts W^s refused — the man then had two sides of leather under his arm — That the P^rs man was near at the time with the horse of the P^r —

The W^s afterwards saw the P^r w^t leather on his cart — when he told W^s that he had leather for sale —

That Mr Gregory came to W^s & told him to tell P^r to come & settle for the leather or they would prosecute him —

Franc^s Deshautels. Ks P^r for 24 or 25 years — he enjoys a good character —

André Monarque. Ks P^r for 30 years — good character that of an honest man —

Charles Piccard Ks. for 14 or 15 years — Ks for an honest man.

Verdict, Not Guilty —

Tuesday 10th March 1835.—

Pres.t
The Ch. Justice & Justices Pyke & Rolland.—

This day the following Sentences were pronounced on the Convictions had during this term.—

The King
vs
Fanny Burnside

On conviction for an assault
Judg.t That Defend.t give security to keep the peace & be of the good behaviour for six months

The King
vs
George McConnell

On conviction for perjury—
Judg.t That Defend.t stand committed to Gaol for 3 months and pay a fine to the King of £20.—

The King
vs
Louis Fraser

On Conviction for Petty Larceny—
Judg.t Imprisd. in Gaol for 3 months—

The King
vs
Henry Furnel

On Conviction for Grand Larceny—
The Pris.r prayed his clergy—
Judg.t Imprisd. in Gaol for 6 months—

The King
vs
John Fitzgerald

On Conviction for Grand Larceny—
The Pr. prayed his Clergy—
Judg.t Imprisd. in Gaol for 6 months—

The

The King
vs.
Wm. Newall

On conviction for Grand Larceny—
The Pris.r prayed his clergy—
Judg.t Imprist. in Gaol for 6 months.—

The King
vs.
Peter Farquhar

On Conviction for Grand Larceny—
The Pris.r prayed his clergy—
Judg.t Imprist. in Gaol for 6 months.—

The King
vs.
William Smith

On Conviction for stealing above the value
of £15— from the dwelling house—
Judg.t Dealt— Sentence recorded.—

The King
vs.
Basile Nadeau

On Conviction for Stealing a Mare—
Judg.t Dealt— Sentence recorded

Criminal Court.

27 August 1835 to 10th Sept 1835

August & September Sessions 1835.

Thursday 27th Augt 1835.—

Chr. Justice Reid
Mr. Justice Pyke
Mr Justice Rolland
Mr Justice Gale.—

The names of Grand Jury being called over, Pierre de Boucherville, Esq. one of them, presented a petition to the Court praying that the Court would direct the Grand Jury to retire & name their Foreman by election among themselves, instead of being appointed by the Court.—

This petition the Court rejected, as the Grand Jury could not be legally constituted nor do any act until they were sworn, and the first person to be sworn was their foreman, and after him the other Jurors take the oath which had been previously administered to him, and this had been the constant practice in the Courts in this County—

The said Pierre De Boucherville having been appointed foreman by the Court, he requested to be exempted from the office, on account of his other public duties which required his almost constant attention, But this the Court refused, as he was not exempted by law, whereupon he was sworn.—

The King
vs
Adam Neil

On Indictment for Grand Larceny in stealing one pair of boots of the value of 15/ and two pair of pincers of the value of 4/, of the goods & chattels of one David Martin of Montreal, on the the 11th Augt. last.

The Prisoner on his arraignment pleaded Guilty. —

Friday 28th Augt. 1835
Present
Ch. Justice Reid
Mr Justice Gale

The King
vs
William Montgomerie
Sarah Graham —

On Indictment for stealing above the value of £15. — in a dwelling house —

Freeman Ruggles Forbes lives in Montreal in St Ann Sub. In June last he came home & threw off his coat, but whether in the table a passage or not cannot say in the pkt of that coat there was £20. 5 — in various bank bills of America & 13 Dolls of Canada bank an american bf Eagle & a promy note for £13. gt had been left wt him for collection — these bills & a pkt book was his property —
The Montreal Bank notes were one 5 & the other Smaller — his Coat was gone when he came back values it at £3 — searched in neighbourhood but in vain — saw Mr Kierzein who sd he had

Ord

rec'd a hf Eagle from a little girl, son finding the house of the Pr. Montgomerie where the girl went — he got a search warrant & found in a chest the coat he had lost. both prisoners were present, they claimed the chest as theirs & that the coat belonged to a lodger — That on Delisle continuing to search, Mrs Montgomerie the other Pr. said that she had seen a parcel of American money in the possn of a lodger of her who was then gone out —

X

That when the lodger was afterwards arrested it was found that what Mrs Montgomery said was found to be true as to the American Money —

Bengn Delisle H. Constable, went to house of Pr Montgomery wt. a search warrant in June last — saw Prs found in a trunk the blue coat which Mr Forbes claimed as his — Mrs Montgomerie gave him the key without any hesitation —

X

Mrs M — s. the coat had been delivered to her by one of her lodgers — this person also he thinks admitted she had delivered the coat to Mrs Montgomery —

Defence

Margaret Darragh — was present when Mr Delisle came to search at house of Prs — she was sent by Mr Delisle to tell the lodger Clements to come to the house — heard Clements say she had bought the coat, that was found in Montgomery's house, & this in presence of the Constable —

George Clarke, warehouseman to Davis & Co has known Pr. for 6 days only —

Verdict, Not Guilty

The King
v.
Michel Sanche } On Indictment for stealing 14th. pretty property of one Lewis Haldin and, value 2/6 —

The Pr. on his arraignment pleaded Guilty. —

The King
v.
Bridget Clements } on Indictment for stealing above the value of £15 — from a dwelling house. —

Freeman Ruggles Forbes. on 15 June last, he lived in St Ann Sub — when came home threw off his coat in wh. he had a pocket book in gt there were several bank notes of the States, & one of Montreal & hf Eagle — he had thrown down his coat in the passage in front room — when he came back he found his coat gone — next morn'd heard that a little girl had offered ½ eagle at Kurzeen's, who told him of it, & thot. it rather suspicious — & he knew the girl — she came next day that hf Eagle was not good, she s. she would bring a bank note in the plan — she was watched & they went wt. a search warrant to the house of one

Montgomery, & in a trunk there found his coat — Mrs. M. sd that one of her lodgers had offered it to sale & had left it with her — while he was there the Pr. came in which he was up stairs — he saw there a part of the property he had lost — it was bank bills of United States & of the same value he had lost — there were one hundred & ten dollars & the other bills mentioned in the Indictment — The Pr. was arrested — the coat now shewn is the same he lost, & was found in the trunk of Montgomery — Thinks the Pr. said she had bought the coat from a little boy. —

Benj. Delisle — H. Const. was charged with a warrant to search for stolen property in house of M — with him went the Pr — was not there — found the coat that M — had lost — M. sent for Pr — when she came in she dropt a pocket with money in it — it consisted of different bank bills of the United States of America & U. Canada to the amount to £38. 5. 10½ including about 5/7. of change — The Pr — said that she had got the Coat from her daughter & that the money was found in the Coat. — Produces the bills the Pr dropt

Freeman R. Forbes — on examining the bills produced by the Const — says. he recognizes one of the bills of one dollar, which was in his possession a few days before he lost his coat, and was in the same pocket book with the other Notes — considers these bank notes to be of

the

value they specify, and gave that value for them — recognizes the coat & values it at £3 —

Defence

Ann Nixon. The Pr. was employing in washing all the Monday — from morning to the evening —

Sarah Graham wife of Montgomery — That from about 11 or 12 o'clk to the evening of Monday the Pr. was employed in washing — she saw the coat in the possn. of the Pr. on the Monday evening in house of Wm. but how she came by it she does not know —

That ~~about~~ on Wednesday — Thursday after the Pr. was arrested —

That it was the Pr. who gave the coat to the Wm. —

Forbes — called up again says that his coat was stolen on the Monday —

Verdict. Guilty —

The King
v.
Bridget Brenan } On Indictment for Grand Larceny —

Margaret Burns — lived in Wm.

Defens

Degens house in St L. Suburbs in July last — she had a gold watch of which she knows not the value thinks it might be worth 15 or 20 dollars — The Pr. dowed at ~~the~~ for some time for Mrs Degen — she had left the house at the time — she came to the house on the 19 July & when Ws came down stairs she left the watch on a Sofa — Ws observed the Pr to come down stairs, Ws went up and found the watch gone qt she ment. to Mrs Degen — The suspicion fell on the Pr as no other person had gone up stairs but her — Ws went to lodgings of Pr and asked for Pr and found her in a Cellar — charged her wt. having stolen the watch, she said she had the watch & if Ws wd give her 2 dollars she would return the watch — Ws gave the 10 f when Pr & she had given the watch to one Benson — Ws then sent for Constable, and her watch was found w. Benson who delivered it to the Wit —

The watch now produced is the same she lost & which she recd from Benson —

Benjn. Debsle. H. Constable — In July last Ws. recd. the watch now produced from the last Ws — saw the Pr in charge of Malo — she acknowledged to Ws that she had stolen the watch —

Values the watch at £5. or £6 —

Knows that no threats or promises were used by towards the Pr to induce her to confess —

Verdict. Guilty —

The King
&
Alice Cummings } On Indictment for Grand Larceny —

Wm McBride, In July last was in Montreal the counting house of McGill & Co — saw Pr coming out from it with something ~~out~~ under her arm — he laid hold of her & found 3 pieces of Calliceo under her arm — he took her back to the Counting house & the property was recognized to belong to McGill & Co & Pr was committed

Mathew Crawford — had charge of the Ware house of Peter McGill & Co — qr Co — is composed of the persons named in the Indictment — About the July last the last Ws. brought into the Counting house with some stolen property — recognizes the 3 pieces of Calliceo to be same as lost in by last Ws & to belong to the 5 Co — The Pr acknowledged in presence of Ws. that she had taken the Calliceo out of the store — values at at £3. —

Benjn Delisle — The articles now produced are same that were delivered to him by last Ws Crawford —

Verdict. Guilty

Saturday —

Saturday 29th Augt 1835.

Prest.
Ch. Just. Reid
Mr Justice Gale.

The King
v.
Charles Laplante } On Indictment for stealing from the person

Tousst Laurin is of Rev. des prairies — came to town about 25 May last — went into Mr Cuvillier's auction room he then had his purse in his pocket wt 15# — 2 Sols in it — there were several kinds of money, particularly a 2/9 on gt he had made a cross — The Wit. which there was told by some one that he had lost his purse, gt he did not perceive, till told, & gt he found was the case — he had put his purse into his waistcoat pkt — The Pr was arrested on the moment — The Wt saw the purse in the left hand of Pr as he passed him, he dropt it and Wt picked it up, & knew it to be his property — The purse now shewn is the same he lost — & the 2/9 gave wt the mark he made on it — Wt delivered the purse to Mr Delisle the high Constable. —

X.

Does not remember to have seen the Pr before that occasion —

John Perry, of Montreal — was in Mr C's auction about the 25 May last, saw last Wt come in — saw Pr follow him — saw the Pr put his hand into the right hand

pkt

pkt of last Wn. and on the Sd. to one Benoit near
train see that man is about picking that man pkt
Benoit cried out, voila l'homme qui vole la
bourse — heard the purse fall to the ground, and saw
the last Wn. pick it up — The purse now shewn
is the same —

X

Has seen the Pr. before — he was close to the Wn. at
the time — Wn. was at a little distance & saw Pr. put
his hand in pkt of Laurin — does not know whether
other persons saw him do so or not — That on
this Benoit & others came up & seized the Pr. Did
not see from what hand the purse fell —

Peter McCormick, was at Cuvillers room on 25 May last
saw Pr. after he was arrested — saw Pr. drop
the purse and saw Laurain pick it up —

X

Never saw the Pr. before, but knows him to be the
same —

Benjn Delisle — High Constable — The Pr. was brot to
the police office on 25 May last — he was
accompanied by Laurin, who delivd to him the
purse now produced —

Verdict. Guilty —

The

The King
v
Alexander Wesley } On Indictment for Grand Larceny —

The principal Witness being called & not appearing, and no other Witnesses having been produced, the Jury gave in their Verdict of Not Guilty and the Prisoner was discharged —

—

The King
v
James Davis } On Indictment for Grand Larceny —

Andrew Watt — is in the employ of Venna & Bellhouse & was so last June, as Warehouseman — they import largely Iron & Steel — a large quantity came consigned to them by the Ld Stormont, the cargo whereof the Wn had the Wn was to receive — Saw the Pr on board as Tidewaiter — after the discharge a quantity of bar Iron was missing 23 bars — according to Wn's acct — did not make enquiry at the time — the value of iron missing might be between £6. & £7 — From what Wn afterwards heard, he suspected Pr on Mr Car, a customer, asked how it happened there was such overpluss of iron in Shipments to this country — that some had been offered to him for Sale — Wn found that there was a quantity of bar iron in the Yard of an McNiece — Wn was directed to get a warrant to search McNiece's premises he did so and found 15 bars of Iron there — & upon the further information the Pr was arrested — That they found some more similar iron at one Sutherlands in St L. Sub — There was no iron on board the said

Vessel

Vessel but for Vennor & Bellehouse — The iron at Sutherlands corresponded with that found at McNiece's — he said he had bought it — it was not taken — the marks on all this iron were those of the manufacturers in England from whose establishment Vennor & Bellehouse were accustomed to import iron

F

Cannot say who manufactured this iron — That many individuals of Montreal may receive iron from the same manufactory —

That the nd of bars of iron short of the shipment, but never over.

The tally was closed and the ship was gone before they found the iron qt. they considered to be that wanting —

The first iron was discharged on 28 May, & the vessel was several days in discharging, & the last iron was discovered only about the 15 July after —

The iron was on board that vessel was very rusty — the Sd. Vennor & Bellehouse was the only House that imported Iron on that occasion to Montreal —

Cannot tell what quantity was missing of different sizes of the Iron —

That the Pr. told him that the Iron at McNiece's & Sutherlands was iron from the above vessel & had been given him as an overpluss by the Captain — this was after the iron had been carried to the Police office the Pr. said that McNiece had nothing to do with it, it was he the Prisr —

Peter

Peter McNiss, lives in Griffintown — was employed to cart iron from a Vessel at port on board of which the Pr. was — the Pr. asked of Ws. if he would take a load of iron and directed Ws to take it from to his own yard, and Pr would pay him storage for it — The Iron was lying on the beach, where the Ws. took it — near where the vessel was. — Drew 24 or 25 bars —

The Pr. sold some of the iron to the St. Lc. Suburbs qt. Pr. said he had sold — does not know to whom — The Pr. that the iron in question was overpluss iron which he said the Capt. had given him —

The Pr. said that he would pay Ws 10/. for the storage of the iron —

John Sutherland, lives near Sunday Market St. L. Sub — lived there in June last — In June last Ws purchased about 600 lbs. Bar Iron from Pr. The Pr. came to Ws shop to sell it — he sd. he had a quantity of iron for sale of bar iron — The Pr. came back an another occasion, when the Ws. agreed to take one half of what Pr had & he sd. Car & Bigger would take the other half — Pr. sd the iron was lying at Griffintown — Ws. pd him 9/ ℔ Cwt. & paid him £2.16 which might make 8 or 10 bars — it was iron like that produced here —

That such Iron is daily purchased in Montreal

Thomas Biggar. W met the Pr. one day, who asked W if he wd buy some iron gt. was a surplus gt. the Capt. of a Ship had given him — The Pr. took W to Mcniss's yard where the Iron was to shew it him. —

Henry Hebert, had a search warrant to search for Iron that had been stolen, & was said to be at Mcniss's W. found 14 bars of Iron there — gt. W brot. to the Police office —

Andrew Watt exd. by Pr. says nothing further —

Defence

William Burns — W. has had articles delivered to him by the Mates of the Vessels as an overpluss after delivery of the Cargo — which they sd. was their property —

Never recd. such a surplus as 25 bars of iron

Thos. B. English — Has kn. Pr. 14 years — he has been in the employ of the W — he always bore a good character has been confidently employed by others —

Knows that Mates of Vessel appropriate to themselves what surplus there is on board — The Pr. told W. before the delivery of the Iron that he was to have the overplus —

Norman

Norman Bethune – Ks. Pr. for a number of years – never heard anything of his character – he was in the employ of the Ws. for 2 years – & should not think him capable of stealing Iron from a vessel –

Verdict. Not Guilty –

Monday 31st Augt. 1835

Pres.
Ch. Justice Reid –
Mr Justice Rolland

The King
Franc. Xav. Hebert } On Indictment for Grand Larceny – The Pris. being put the bar, and called to answer, made signs that he was deaf and dumb – Whereupon the Court impannelled a Jury to enquire whether the Pr. was mute by the visitation of God or of malice –

Ph. A. Hart. Ks. pr. for about 10 years – he is to the Km. of Ws. deaf and dumb, & believes he was born so – lives at Montreal – Ws. has seen him write – can make himself understood by signs & by writing. –

The Jury returned their Verdict, of Deaf & Dumb by the visitation of God. –

Benjn Dekoh. The Constable being sworn to interpret between the Pr & the Court & injury, as to the nature of the accusation contained in the Indictment, who after communicating with the Pr having stated that the Pr gave him to understand he was not guilty which plea the Court directed to be recorded. +

—

The King
v
Marcelline Beauchamps } On Indictment for stealing above the value of £10 from a dwelling house

In Bn Paré, lives in Montreal, the Pr lived wt him as servant for 2 years & more + she left his employ in Feby last — ~~after she was gone~~ His watch was stolen in augt last year & he then missed it + he also observed several other little articles missing, but as he had confidence in the Pr he did not suspect her — there was a seal tied to the watch — values the watch at £10 + & the seal 2/— on searching afterwards for the watch, he found a blanket, which had been stolen from him, values 4/— and the several other articles mentioned in the Indictment + all which belonged to him were kept in his house —

On the 15 May last one Conte ~~told~~ gave him some information on gt he got a search want — agt Pr & went to St Jacques, where they heard she had returned to Montreal — they returned & met the Pr on the market place — she spoke to Wit — she & lived at one Parquet's, & Wt followed her wt the Constable, they

found

found her at Pacquets, he charged her w^h having taken the watch, q^t she denied — she was arrested, and taken to gaol — The W^s found his watch afterwards at St Paul at one Morin's, & the other articles were found at different other places — the P^r said she had ~~sold~~ or caused it to be sold by her brother the watch to one Christin, at Achigan Mill — they went there where Christin told them he had disposed of the watch to Morin. When they found the watch, ~~&~~ Is the same now produced & the same he lost in August last year — speaks to a brush — a blanket — pillow case — a part of these things was found at her uncle's & a part at her brothers —

x

W^s had much confidence in the P^r — he was not married when she lived w^t him until about a month before she left the house — never made a present of the watch to her —

Louis Leconte, lives in St L. Sub. P^r asked of W^s to go ~~to Mr Paré's for her property~~ & agreed to ~~carry it to~~ go to St Therese for her property he ~~carried~~ brot 2 red trunks ~~to S^t Th~~ from St Therese, & at her request, it remained at house of W^s 3 or 4 days — she delivd the keys to W^s — W^s looked into the trunks & saw in one of them the silver watch now produced — there were several other articles similar to those now produced — Two or three months after he mentioned the circumstance of seeing the watch in the P^r trunk, to Mr Paré, cast W^s — The P^rs carried the 2 trunks to one Potvin's in St L. Sub at request of P^r — & delivered back the keys to her —

x

Henri Hebert was charged wt. a warrant agt. Pr. found a part of the goods in the Indictment at the unite's da part at the brother of the Pr. The Pr. told him that the watch was at her brother's — her brother s. he had sold or exchanged the watch with one Christin d'amour, & the latter told them that he had exchanged the watch wt. his brother in law one Morin, where they found it — it is the same watch now produced.

4d.

Defence —

Pierre Chenet — lodged in Mr Paré's house six or 7 months, the Pr. was then there as servant — never saw any familiarities between her & her master.

Jn Bte. Paré; He gave the Pr. a character when she left his service, not suspecting her at the time of having stolen any thing — he suspected two poles who lived in his house —

Verdict. Guilty

The King
vs
William Johnson
&
William Deleas

On Indictment for Grand Larceny —

Reine Brunel, lived in service of Henry Desrivieres near the Mountain last — They were wash'd at that time, there were 5 table cloths in the wash which were hung out to dry on a line

in

in the yard about 9 a 10 — the morning — About 1 Clock in afternoon of same day a person came to ask her if they missed any thing — she found that there were 5 table cloths & other things missing — this person said there were two negres who had taken them — they were worth £3 — & the property of Henry Desrivieres —

Euphrosine Augé — Knows the 2 Pns from having seen them several times — saw them in May last near Mr Desrivieres — one of them Delias left the other & was absent about half an hour. this asked the other Pr where his comarde was gone, he said he was gone to execute a plan — he came back about ½ hour after from the direction of Mr D's house with a bundle, qt appeared to her to be table cloths, they did not open the bundle, but she saw the corner of one of them — they took the shawl the Vs. wore & went off wt it — Vs. went to Mr D's & asked the last Vs. if she had missed any thing, she went out & said there were 5 table cloths & some shifts missing — That the Pns went off running —

Verdict. Not Guilty

The

The King
vs
Alexis St. Marie
otherwise called Alexis
Paschal — and
Paul Marcille

On Indictment for Grand Larceny

Thomas Morris, in March last he lived at Longueuil near Montreal — he had on the 12 March last he had 12 kegs of tobacco. contg about 240 lbs — each keg — and value of 7½ £ Ld — Sent them to a barn at Mr Dubuc's where they were deposited — On the 27 March the owner of the tobacco came for it & found that two kegs had been taken away — About a month or 2 after he heard the Pns were selling tobacco — obtd a search wart & went to Mercil's house, & found nothing — went to St Marie's house, where they found two pieces of tobacco of the largeness & size of the keg weigh about 60 or 70 lbs was asked where he got it, he thinks he said he got in the St L. or Dub. Sub — told bailiff to ask for the keg wgt the tobacco was in — but did not get it. The bailiff on this left the tobacco there & gave information to the Magistrate — Some days after asked Marcille if he would settle wh him about the tobacco or a warrant wd be sued out agt him — he took out the warrant & Pns were arrested, as he understood that Marcille had been selling tobacco — That St Marie after he was brot to town proposed to settle the matter & pay the amt of tobacco if Ws would say no more about it — That he Marcille had in

company

company wd. Marcille & another brother had taken the tobacco from the barn. — & asked if Wm would take tobacco in payt — That on the Sunday after Marcille came & offered to settle wd Wm for the tobacco —

That Sn Marie agreed to give Wm 25 dollars for the part of the tobacco he had taken — As to Marcille, the proposition he made to settle was not accepted, having been made too late. —

x

Did not know a suspect that the tobacco was — smuggled — the reason he put it in Dubuc's barn was that he had no room in his barns, nor in the cellar or garret of his own house. —

Henry Hebert — was charged wd a search warrant to search for tobacco gt had been stolen — went to Marcille's found nothing — went then to St Marie's — asked if he had any tobacco there — Pr told him to search — found some in a hole under the floor — asked of Morris if he could identify the tobacco, he S he could not & St Marie said he had bought the tobacco in town, & had some for sale

x

Has heard it said, that it is a general belief that whoever lays hold of

Defence

Joseph Dubuc — That he gave permission to deposit some kegs of tobacco in his barn to Morris — the man who brought the tobacco said it was contraband goods —

Fr Surprenant & Lafontaine — good character of Prs — does not think they are capable of committing a shift — That it is a general impression that any individual taking contraband goods are not guilty of shift or felony —

Noel Deshautels — Ks Prs — good character — Knows that the Prs made an open division of the tobacco as being contraband goods — That it is a general impression that anyone may appropriate to himself any contraband goods he may find — That Morris has the character of being a receiver of Contraband goods —

Alexis Fournier & Prefontaine. Ks Prs good character — speaks to the general impression as to Contraband goods —

Franc Trudeau — Ks Prs good character — same wedance

Verdict. Not Guilty

The King
Josephte Thomas } On Indictment for Grand Larceny
The Prisoner was an Indian of the Iroquois nation and Mr St Germain was sworn as Interpreter —

Joseph

Joseph Charpentier — In July last he was in company with Allard & Champagne near the old market — The Pr. had passed them some time ~~[illegible]~~ before them, when she had nothing wt her — she came back about hf an hour after, & she appeared to have something wt her — Champagne stopped her, and carried her to the Police office — they asked her where she had taken the articles she, being small bottles, she had she had taken at derriere — ~~on this they~~ she appeared to be in liquor at the time — They gave information to Mr Lyman who claimed the articles as belonging to him —

Benjamin Lyman, in July last was in Copt. wt Mr Hedge & Mrs Lyman & carried on trade under firm of Hedge & Lyman they had a quantity of Macassar oil in their Cellar — the gate of the yard was open qt. is opposite the cellar door — about 23 July last recd. information that a quantity of oil had been lodged at the Police office as stolen from them — the 4 parcels of bottles of Macassar & British oil, making in all 63 — now produced he knew to be the property of Hedge & Lyman — he went back & looked in the Cellar & found them wanting — the 5 doz. bottles of oil he values at 25/ and the Macassar oil at 3/6 each —

Benjn Delisle — H. Const. Pr. brot. to Police office on 23 July last wt the articles now produced — Mr Lyman was sent for who claimed them —

Verdict. Guilty of petty Larceny —

The King
v.
Fran^s. Xavier Hebert } On Indictment for Grand Larceny
The Prisoner having been arraigned this morning and his plea of not Guilty having entered, the Court now proceeded to the trial of the Indictment.—

The Jury having been sworn and charged the Att^y General proposed to offer evidence of the facts laid in the Indictment, but the Court requiring that he should have some means to communicate to the Pres^r. the nature of this evidence, without which he could not legally be tried, and no such means being within his power, the Court directed the Jury to acquit the p^r. which they did accordingly.—

Tuesday 1st. Septr. 1835.—

Pres^t.
The Ch. Justice
Mr Justice Rolland

The King. v.
Jn Bap^te. Asselin
Joseph Asselin } On Indictment for Grand Larceny—
Toussaint Duclos— lives at St Cyprien District of Montreal— on the 27 March last a quantity

of

of pork & tobacco was stolen from him - about 200# pork, & about 6# tobacco - these things were in a milk house - The milk house had been forced open in the night time & these articles stolen - There were the tracks of feet of two persons on the snow - Ks Prs they had worked for him before this - one of the Prs, Jn Bte has one of his feet shorter than the other - the track of this foot was observable on the snow - he followed this track which went in direction of Prs residence - followed it for about hf a league, until convinced that the Prs JnBte was one of the thieves - got a warrant and went to the Prs house - found Prs there - on searching they found a quantity of pork, some of it in the house of Jos. Asselin, some in the back part of it - and some concealed in the woods near the same house - Knew the pork to be his, as he had cut it up & singed it - They found about 50# in & about the house of Joseph - They found near the house of JnBte Asselin concealed about 50# more in the front of the house in the wood. They found a small piece of tobacco in the house of Joseph, 9h corresponded with that of Wm - Joseph said that he had bought it of one Lagrandeur - Wm went there & was told by Lagrandeur that he had not sold such tobacco to Prs - Jos. said he had purchased the pork of his neighbour, she winning before of one Robert - went to Robert's who said that he had sold pork to Joseph about 3 weeks before went with Prs before the Magistrate, where Joseph acknowledged that he had been sollicited by his brother and had gone with him & taken the pork out of the milk house, and that the other JnBte was there present

and

and heard this declaration without saying any thing — on this the Magistrate committed the Prs

&

Lives on the high road — his milk house is shut by a latch — people pass there at all hours —

Nathan Phillips, he accompanied Capt. of Militia to the house of Prs to search for stolen goods — went first to Joseph house — found a small piece in the cupboard — and in the evening about 50 lb. in a trimble in a stump of a tree — this was behind Joseph's house — Dudos recognized this pork to be his — they were led by a track from the house to the place —

Went to house of Jos B. found nothing there some meat in front & some clothes behind — there was pork found in the front of the house — it was in the stump of a tree — Dudos claimed this pork also — The Prs were carried before the Magistrate, when Joseph, said that he had been solicited by his brother Jos B. to steal the pork — that he went with him to Dudos's house, where B. went into the Dairie, took the pork and the Prs. held the bag — Jos B. was not present when this was said — That one Lavoie who lived with Prs was also suspected — That on the road to the Magistrate, Joseph was promised if he would acknowledge the theft they would let him go

Defence

Joseph Dubois. for Prs The P. is a man of weak intellect —, and he may be persuaded to avow any thing — Prs good character

Jos Brie

Sophie Dubois. Ks. Pr. Joseph - passes for weak in mind falls in fits -

Elizabeth Dubois - Ks. Prs. the Pr. Jos. is of weak intellect & has a falling sickness - he may be persuaded to say any thing -

Toussaint Duclos - He killed 2 pigs in Decr. last -

Verdict. Guilty -

The King
Frans. Xavier Prevost } On Indictment for Grand Larceny -

John Ross, lived at Beauharnois in March last, is mercht. Pr. is his neighbour - W. had his brother as his clerk at the time, he slept in the Store & had the key of it - There was rum in it - W. discovered from time to time that several efforts were wants out of his Shop - remarked it to his brother - who he found he slept frequently at the Prs house, where he was endeavd to go too often - W. in particular discovered that rum was wanting out of a puncheon he had - there was tea also missing - Thinks there was salmon wanting - There were two doors to the Store one in front done in the rear - that in rear ~~was~~ locked the yard door was not closed - Knows that Pr. ~~never~~ had never sent for Leguers to Montreal from Nov. to March but sold rum of a similar quality with that of Ws -

His brother has left him, when he understood the commerce he was carrying on with the Pr. he sent him away -

Knows

Knows that his brother made a declaration in favor of the Pr — he has since left the Province —

Josephte Hebert, lived in March last at Beauharnois at the house of Pr as servant — Knew the brother of last Ws who was his Clerk. he was frequently at Prs house — he used to bring the keys of McRoss's Store wh him which were hung up in Prs Store — On the 25 March last — the last Ws went to Montreal, the Clerk brot the key of Store — he ~~slept~~ went out to Cellar — came back — Pr engaged him to sleep at his house gt he did — Ws slept in the Kitchen — the Pr took 2 potagers & went out, he lighted his fanal & Ws followed him — he opened the Store of McRoss & went in wt his 2 potagers — Ws returned to her bed in Kitchen — The Pr made 3 journeys & brot back rum wt him gt he emptied into his own cask of rum in his cellar — potagers might hold 3 gallons each — Pr then took a bag & went ~~on~~ again to the Store of McRoss, he came back wt the bag full — he emptied out of 4 bars of soap — some salmon — a quantity of tea & a pl of Shoes — he went back again & brot some oil for painting which remained in the potager — The last time the Pr returned, two o'clock struck —

x

She had been 3 weeks in Service of Pr at this time, she had been left McRoss's service to go & live wt the Pr Ws slept on a Sofa in Prs house — The Pr when he went out he shut the outer door. Ws got up & followed him, and saw the Pr at the door of the McRoss's Store — Did not awake the brother of McRoss who slept up stairs — That the next morning she gave information of what

she

she had seen to a servant of Mr Ross, one Pinotte she also informed Mr Ross of it 7 or 8 days after his return from town —

When Pr returned into the kitchen & left one full near her bed in the kitchen & took the other into his bar in order to go into the cellar door — he went into the cellar & emptied the rum & she heard him mix it together. — She went to the trap door of the cellar & she observed what he was about in the cellar. —

There were persons who boarded in the Prs house at the time —

That it was on a Sunday she communicated the information to Mr Ross. — She has never said that she was to be married with Mr Ross after this suit finished — Mr Ross never rented a room for her in the village —

There was a door to the cellar near the outer door —

Pierre Daigneau, lives neighbour to Pr — spoke to Pr of what he had heard in regard of the Prs conduct, & asked him to settle with Mr Ross in regard of what he had heard — the Pr refused to go and make any such arrangt — That ~~about the end~~ he had got up & gone out wt his potagers to reduce the rum he had — gt he considered not fit to be done before people — That about the end of Dec. the Pr sd he had not above 15 gallons of rum in his cellar & wd sell now à emporter, until the Sa took to get some from Town — that he continued to sell, but never brt any from Town — when arrested, Pr requested Ms to sign a paper for him, which he refused — & Pr offered him 10 dollars as an inducement to do —

Julien Dupuis One evening while Mr Ross was in Town — D. Ross came in in the wars about 11 o'clk, he was in liquor — wished he

were

were at home — the Pr. told him he might sleep there — when D. Ross took off his gilet in qh were the keys of the store, & gave it to Pr. — who hung it up in his store —

Heard Pr. say that Duncan Ross, made certain expence at his house, but there was no getting any money from him — and that D. Ross pd. him only when his brother was absent —

John Ross — brt. up again says, the value of the rum in March last was 4/ ℔ gallon — common tea 3/4 — Salmon was sold at 4d ℔ ℔. Soap at 4d ℔ ℔ —

That the Pr. ~~declared~~ acknowledged to Wr. before he was taken ~~he acknowledged to Wr.~~ that he had taken the goods in question, and wished the Wr. not to proceed further in the business, and he would give him his note for £100 —

Joseph Hebert — The puncheon was full of water at the door of Prs house the evening he went out with his potagers & brought in the rum —

Defence —

Lawrence Geo. Brown — lives at Beauharnois, is S. Pean — Wr. Pr. for several years — he always considered as an honest man, he carried on business as a Merchant — he has purchased a house in qh he now lives. —

That Mr Ross came to Wr. to say he had been robbed Wr. was surprized, required good evidence to proceed upon & upon hearing the evidence of Joseph Hebert, which was the same as that now rendered he gave the warrant —

The

The reason she sd she had not declared this, was that it was done in consequence of what her Confessor had told her –

Eustache Masson – lives at village of Beauharnois. Ks Pr for 5 or 6 years – he always conducted himself as an honest man – lived wt Ws for several months as his Clerk – ~~Does not~~ ~~The~~ Pr has considerable property, and he does not think he would steal a few gallons of rum –

Knows Jonette Hebert – her character is not good, but he knows noths agt her –

Nazere Laviolette, knows Jonette Hebert – according to common report she is a person of bad character, & he would not believe her on oath – she took a hkf from him –

It is said that she had made disgraceful arrangements with Mr Ross – He never saw Hebert steal the hkf – but was told by a young girl that she had taken the hkf –

Berthelemi Senecal – lives at Beauharnois – Know J. Hebert – ~~has~~ she passes for a woman of bad character, & he would not believe her on oath –

Marguerite Gamelin – Ks Hebert – on her leaving Prs she came to live wt Ws – she rented a room from Ws – & from what was said of her, Mr Ross told Wr she had better retire to the Country – She passes for a story teller – & there are bad reports agt her – While she lived at house of

Ws

W. she used to pass the nights abroad, & used false pretexts to go out —

That McRoss told her, it would do her more hurt than good, if she appeared as a witness in this case — and he has prosecuted her for money she owed him —

Benjamin Voyer — knows Jos^t Hebert — after what he has heard & after what he knows of her he would not believe her on oath —

That it was since she lived at McRoss, and her conduct since, he would not believe her —

Marie Primault — de Beauharnois — Ks L. Hebert — heard much talk ag^t her while she lived w^t McRoss, & Ws would not believe her on oath — she passes for a story teller —

Toussaint Rochon — K^o Pr Daigneau — Ks. that he formerly possessed the lot now possessed by P^r. knows that Daigneau has a spite ag^t the P^r — In Novr last heard him say he would be revenged of P^r for having got the lot from Bellefeuille, as Daigneau would not pay for it & was obliged to give it up —

Ovide Leblanc — lives at Beauharnois — N. P. K^s P^r — he is a man of property — good character —

Jean Laurent Michel Quintal — Curé of parish — knows

P^r

Pr for 2 years – considers him as a man of probity – Does not know Josette Hebert –

——— Lafontaine. Ks. Pr for about a year – he has been his client – considers him an honest man –

Jacques Michel. lives at St Clement – Knows Pr for 5 years always enjoyed a good character, & a man of some property – He was in partnership wt McRoss – has seen Ross in liquor there – was advised not to take Josette Hebert – into his service as she was not of good character –

That McRoss is a man of vindictive character and loves to cause trouble among people – Knows him to have denied his signature –

Marie Primault, fem. de Jac. lives at Chateauguai Josette Hebert – worked for Pr – & went off wr some of her wool –

Catherine Doratte lives at Chateauguai – Ks. Hebert – before she went to Beauharnois – she was considered as a woman of who had a bad tongue, & when she borrowed any thing she kept it – has seen heard that her character was bad –

By Attys General

Ovide Leblanc – Knows Josette Hebert since last winter – has not heard talk of her but since this suit – That

Margt. Gamelin is a person of bad character & also last wtr. Cath. Doratt has heard her ill spoken off —

That Daigneau is an honest man & of integrity but likes to drink —

Ignace Gendron — of Beauharnois — Knows M. Gamelin who has a bad character — Ks Marie Premault who has no good character —

That Cath. Doratt is single woman, has had three children —

Knows Daigneau to be a man of good character —

Joseph Fournier — Ks. M. Gamelin for 10 years, she has always had a bad character — Ks Marie — Premault is also badly spoken of —

Knows Josette Hebert — never heard any thing said agt her until the present prosecution took place — wd believe her on oath

Knows Daigneau for a perfect honest man —

Knows Margt. Doratt also for a person not of good character —

Julien Dupuis — Ks. Margt. Gamelin — she is badly spoken of by people as well as Margt Premault.

Never

Never heard any ill spoken of Josette Hebert. only since this prosecution —
Daigneau is a very honest man — Knew Doratt who has a very bad reputation —

Tours^t. Champeau — K^e Marg^t. Gamelin — & Marie Premault has heard them badly spoken of in public —
Has heard ill spoken of Josette Hebert only since this prosecution —

Verdict. Not Guilty.

The King
v
Paul Giroux
otherwise called
Hypolite Giroux

On Indictment for Burglary —

Frederick Singer, lives at St Phillippe, he keeps a tavern there. There is a shed which joins the house, the house was all shut up on the night between the 15 & 16 July last — Vital Dupuis came to him early in the morn^g & told him of their being robbed — Found that a board had been removed, and another cut, so that they got at the door of the Cellar which was opened, and a quantity of about 58 pounds value 50^{lt} of tobacco which was in the bar — three caraffes, decanters

value

value at 7/6 and about 15/ in coppers was carried off.—

That a warrant had been taken out by Mr Broomfield to search for his tools. Having heard that Pr had been arrested on some other suspicion, they went there, and the tools were found, with the tobacco and decanters The tobacco found in poss.n of Pr— corresponds exactly with the remaining part in the possession of the witness — One of the decanters he knows to be his property & to have been in his possession for 3 years & he knows it by the break in it — & the two others resemble those that were lost —

&c—

That tobacco of this description is generally packed in barrels — the tobacco found is of the same quality as that stolen —

Jos. Medard Petrimoulx, bailiff, had a search warrant for effects stolen belonging to Mr Broomfield — he went to house of Pr— and there found the tools, and found there also a decanter & some tobacco which he considered to belong to Mr Singer — found the tobacco in the garret & the decanter in a buffet — The tobacco now produced is the same he found — knows one of decanters to belong to Mr Singer —

Vidal Dupuis — Shut the cellar door the evening of 15 before he went to bed — Next morning he found the door was open, the money drawer in the Bar was ~~empty~~ taken, ~~and~~ 3 decanters and a quantity of tobacco

Knows one of the decanters to belong to Mr Singer & the two others resemble those that were taken, and the tobacco appears to be the part ~~of what was~~ stolen

In Bn Brouillet — He went with bailiff to house of Pr where the articles now produced were found there — Knows that one of the decanters belongs to Philip Singer —

Defence —

Joseph Dubois. Knows Pr for 2 or 3 years — he has a small commerce — That in July last he exchanged some paper money for coppers gt he gave him —

Sophie Dubois, lives wt last thik Knows Pr for 2 years — Knows Pr went to town about 15 July last —

Elizabeth Parent. Ks Pr he is considered as an honest man —

~~Augustin~~ Pierre Celestin St Marie. Remembers to have sold two decanters of wine to some person at Laprairie about the end of July last — thinks he knows one of the decanters as same now produced — The person to whom he sold the wine had some tobacco wt him — he seemed to come from Montreal —

The Verdict. Guilty of petty Larceny —

Wednesday 2d Septr 1835.

Present.

The Chief Justice.
Mr Justice Rolland

The King
vs
Pearl Giroux,
otherwise called
Hypolite Giroux

On Indictment for Petty Larceny —

Jn Bte Brouillet, lives at St Philippe, is a Joiner by trade — in May last a quantity of his tools were stolen from the barn where they were left — He took out a search warrant, and in consequence of some suspicion he went to the house of the Pr where the tools were found, the same mentioned in the indictment and of the value therein mentioned — Knew the tools to be his property — & same now produced —

1 egouine. 4/
1 plaine 2/6
1 marteau 1/
2 Suisseaux 12/
1 pied de Roi 1/
1 Vrille — 3 sols

Jos. Medard Petrimoulx — bailiff — went in ~~July~~ Augt last to the house of Pr with a search warrant accompanied by last witn to search for stolen goods, and there found the several articles now produced, which Brouillet recognized to be his property —

Defence —

Elizabeth Parent — says nothing —

Verdict. Guiltz. —

The King

The King.—
vs
Francoise Hyvons
Magdeleine Hyvons

On Indictment for Grand Larceny.—

Paul Marotte de Laborité, lives near Laprairie knows Pts they live about an acre from house of Wts he observed that ~~they~~ about April last about 100 perches were stolen & he saw the Pts take the rails they were both together — values the rails at 10 f & 2 d — he spoke to them not to do so, some of them, Françoise said she would not do so any more, but the other refused to do so — He saw them in the evening & sometimes in the morning each come & take a rail away —

That they took the rails sometimes in open day and laughing at wts.—

Verdict Not Guilty.—

Thursday 3.d Septr 1835.—

Present

The Chief Justice.—

Mr Justice Rolland

The King.
vs
Edouard Monarque
&
Joseph Chapleau

On Indictment for Murder—

George Higginbottom, Soldier in 24 Regt — qt was quartered in Montreal in April last — he belongs to Gr Company

Knew

know D— who was in the same Co— knew Jno Kennedy of same Co— In the afternoon of 22 April, Wm D, & Kennedy set out to visit a friend — went from barracks by Bonsecours Street — went towards the Bishops Street to their friends house — arrived there about between 5 & 6 o'Clk — they were there treated to a glass each — remained there till about 5 minutes past 8 — had tea there — before leaving they had something warm Came away wt. D— who may have accompanied them for 25 or 30 years stopped to make water — Wm & Kennedy went on, D— saying he wd follow — they went on, & after some time called to D. to come on — Wm heard him coming on Did not join Wm before they arrived at Barracks — he came in about 6 or 7 minutes after, he was covered at bloody his mouth much swelled & his cloths muddy & dirty — Wm sent him, & asked him when he beat so long — he said he as he came along St Louis Street, some Canadians had jumped out of a Cart at end of St Louis Street and had beat him — D. slept in bed next to Wm — that night — about 3 o'Clk in morng heard him make an unusual noise, and touched him & called him by his name — the noise ceased & Wm went to sleep — About ½ hour after heard similar noise — Wm called to him but he did not answer — that he was just asleep — About 6 o'Clk report was made of state of D— he was then insensible he was sent to the hospital, when Wm saw him, and also him after he was dead — never heard him speak after the evening when he came into the barracks —

&

The D. had not drank that evening but 2 glasses, & was not in a state of intoxication — Wm thought he could hear people talking in St Louis Street in a Cart, but could not see any thing, it being too dark — Wm called several times to D to come on — Wm heard him, as he answered, this the last time he called to D— Wm was at bottom of

&

St Louis Street — did not then see a carriage at the end of a lane near the National School — D. answd. to W. go on, I am coming — The W. heard no noise, nor dispute between D. & any ~~any~~ other person when W. had got to the top of the hill — It might take 5 or 6 minutes for W. to get to the barracks from where he then was. —

The D. appeared to have been much affected by the blow — he wiped his face so as to take away the blood — he complained that he had got a blow on the head, which had knocked him down senseless — It was at 6 o'clk he was reported sick & carried to the hospital — W. saw him then when he was bled — D. died on the 23d April — D. was interred with more than usual solemnity — Knows no rule as to the number of men attending a funeral — the band attended, ~~is not~~ has no knowledge that this had happened before the whole of the Regimt off guard attended —

John Kennedy. Is soldier in 24 Regt. on Gun. Ct — was stationed at Montreal in April last — on 22 Ap. last went out wt last W. & D — about 4 o'clk in afternoon — they went down Bonsecours Street to go to a friends house — they went towards ~~St L~~ Bishops Church they recd. each a glass of liquor there before they had tea — they remained there till a few minutes past 8 — & before leaving they had another glass mixed wt sugar & water — D. was a sober man & could not have been affected by what they had then The D. fell in rear after they came out to go home in order to make water — they went on some distance & called out to D. to come on — he answered he was coming — go on. I'll follow, & heard him coming. he might be from 40 to 70 yds from W. at that time — They proceeded on to Barracks & saw nothing more of D, till they arrived — It might be from

5

5 to 7 minutes ~~within~~ from the last time they heard D speak before they arrived at Barracks — The D. had his face bloody & his cloths — he said he had been met by 5 or 6 Canadians on the road — he said the first blow he received stunned him — Did not see him more that night — next morning he could not speak was like a man who was senseless —

When D. left Cy wr W. & Higginbottom D had not been struck or ill used by any one — D. was a quiet & peaceable man and had character of a sober man — next morn'd the care of D was reported & D. was sent for W. assisted in carrying D. to the hospital — he was perfectly senseless — the Dr bled him — he lived to 23d — did not see him after his death —

X^d —

The D. was not in a state of intoxication at the time they left their friends house —

The last time W. called to D. they were passing St Louis Street — heard D. speak — saw there no Calash or cart at the end of the Street next the National School, it was very dark & might have been there without his seeing it. Did not hear any noise or disturbance after this — nor any one call for assistance —

It has happened that soldiers return to the barracks with their cloths dirty at night — but not every day — Saw D. when he came in — he wiped his face & went to bed, W. did not think much of the matter, nor did he consider that any thing very ~~[illegible]~~ serious had happened —

Was at the funeral of D — more solemn than usual the Company generally attends the funeral of a soldier from the whole Regt. & the band attended —

John

John Athanase Delisle — lives in Montreal — was in Q. Sub the 22 April last — He met with Prs there — about 7 1/4 when they came in when Wm was slaid there 3/4 hour or an hour — left about 8 o'clk when went off — they were in a Calash — requested Wm to go along wt them, it was then some minutes past 8 — They proceed on by Main Street St Louis — The Prs Bellair & Wm were in the Calash & Van Prevost drove. They stopt at the corner of St Denis Street, where Pr Monargue got out of Cacash saying bon soir, je m'en va — and went up the Street towards Mr Binghams — Pr Chapleau asks of Monarg to go wt them — at time a soldier passed & said something gt he did not understand Chapleau said go to hell yourself — & on this got out of the Calash — & went towards the soldier — Monargue had gone before & the soldier & he was between the two — he then heard some words between the three, when one said take care of his bayonette — he heard a blow as like a stick breaking Wm sd he had not struck him wt his fist — the Carter then pushed forward his horse & Bellair called out to Prs to give the soldier his bayonet — gt they did, saying, here my good man go away to your barracks — saw one of the Prs give a kick a two wt his foot to the D — which he was stooping down — The soldier on getting his bayonet went up the Street towards the barracks — thinks the whole matter did not take up above a minute & a half — saw in hands of Pr Monargue a Cane, about 2 1/2 feet long before leaves Q. Sub — Wm observed to Monargue, that he had not struck the D. wt his fist, as it cracked too much — he said no. he had struck him wt his fist — Pr Monargue shewed him a garsette soon after — he remained in company for some time

wt

with Pr. There was very little noise while this matter happened, and persons near Bonsecours Church could not have heard what passed —

The Soldier was passing the Calash rather quick — thinks he saw some persons going up the ~~hill~~ street, but he cannot say who they were —

X.

Knows Pr. for some years — when they asked Ms. to go wt them, it was to take a turn in their Calash — there was no question of meeting wt. Soldiers — it was after the hour when Soldiers retire —

Understood by the answer of Chaplean, that the Soldier had used some insulting language — has seen Canes similar to that gt. Monarque had in the hands of other persons, it was about an inch & half of circumference

That on Monarque's leaves the Calash, Chaplean asked him to come back & go wt. them to a Madame Ogden's —

Ms. was at distance of about 50 feet from the Pr. & Soldier, it was dark & could see nothing —

Alexis Bellair lives in Montreal — was in company wt Pr. on wars of 22 april last, was in same Calash wt them & last Statt — left Q. Sat. about 7 o'clk in the ev's — as he thinks — passed thro. St Louis Street — stopt at the corner of St Louis & Bonsecours Streets — Monarque got out there to go to Capt Yule's near there — A Soldier passed soon after — he P. something on passing — he met Monarque who was coming back, ~~they spoke~~ & Soldier & Monarque had some words. & he heard a blow given, & something crashed the Calash went up near the place & Chaplean got out & went up to the Soldier — That soon after the Pr. came

up

up to the Calash wt. the bayonet, & Mr told them to return the bayonet to the Soldier — as they had beat him enough on this they threw him the bayonet & the Soldier took up the bayonet & went away — he did not then appear to be drunk. but where he got up went on briskly —
That Monarque had a Cane gt. belonged to Mrs. — and he observed to Monarque that he had not struck him with his feet but with a Cane — no he said he had struck him wt. his feet — and afterwards ~~the~~ Monarque shewed him a garsette which he had — Mr observed that it is not possible he had struck him wt. that. Monarque then said no, it was with the Cane — when Monarque came back into the Calash he had no Cane, does not know whether Monarque had the Cane when he left the Calash —

L.

The last Witness, Delisle, was in liquor when he got into the Calash wt. the others — there was then ~~no diff~~ no question about any difficulty nor any thing said about Soldiers — That Chapleau was a little the worse of liquor — Knows that Monarque left them saying he was going to Capt Yules — Saw a Soldier pass near the Calash soon after it stopped — it appeared to Mr. he was in liquor — he said something gt. Mr could not understand it seemed as if he was in difficulty wt. some one — when he heard Chapleau say something, as if go to hell yourself — he heard as two persons in alteration, when Mr. thought the Soldier was quarrelling with Monarque, when he heard a blow wt. a Cane — That the Calash went up to where the Soldier & parties were — After he heard the Cane cracks, he

thinks ~~said~~

thinks he said to Pr. to take care of his bayonet — & this because the Soldiers were accustomed to draw their bayonets — Saw neither of Prs strike the Soldier — when Soldier got up, he went away quickly like a man who had not been injured — he went up the Street towards the barracks —

There are several taverns where Soldiers may stop between where Ws. then was & the barracks & where the Soldier might have been ill-treated before he went to the barracks —

~~By all's General~~ —

Alexis Lafrance — Painter, On 22d. April last he was in Bonsecours Street a few minutes after 8 — in evg — Saw a Calash that come down St Louis Street wt. 4 a 5 persons in it as far as he could distinguish — he knew none of them ~~that one~~ on coming up — One of them got out of the Calash — that the others in the Calash called out to him to come back & go along wt. them — Saw a Soldier pass the Calash on left side of the Street — ~~Did not hear what the Soldier said — but~~ Heard him as he passed the Calash say — What? as if answering to what had been demanded — when some in in the Calash said Go to Hell yourself — the Soldier replied — Do you go to Hell you damned Rascal — Some one got out of the Calash and asked of Soldier, what do you want to say — the ~~person~~ Soldier, ~~asked~~, answered why do you insult me in the Street as I passed — on this the man who got the 2d out of the Calash gave the Soldier a blow with his fist — it appeared that the

Soldier

Soldier leaned agt the fence and appeared to fall down as if he had slept into a hole, & knows there is a hole in that place — That he saw the person who first got out of the Calash come up and give a blow to the Soldier, but he does not know with what, whether with his fist or any thing else — the Soldier fell agt the fence — That the 2d who got out of the Calash was called Chapleau — he also saw him ~~[illegible]~~ kick the Soldier wt. his feet — the Soldier called out for Gods sake not to kill him

That when he heard some one call out, Monarque, he heard him answer, why do you name ~~me~~, any one when we go on a party of amusement —

x

He did not remark the day, whether the 21 or 22d April

It was dark — he could not know the individuals in the Calash — it passed close to him —

A soldier passed, he appeared like a man in liquor, he looked towards the Calash —

That by the blow the Soldier recd. from the person, he made a faux pas, which was the cause of his falling —

The person who first came out of Calash came up and gave a blow to the Soldier, but cannot say with what —

Wit — was on the opposite side of the street, a few feet from the house where the stone is cutting —

Edouard Desroches — In the evening of 22 April last he was in the Bonsecours street — saw a Calash come up wt. 4 or 5 persons in at corner of Made. Provost house — where one of them debarqué — the others cried out to 'come back — he refused — in the mean time a Soldier passed, and said what as he passed behind the Calash — shrinks the persons in

the

the Calash spoke to him — one of those in the Calash Go to Hell — the Soldier replied — Go to Hell yourself you damn'd bugger — One of the men in the Calash on this got a Capot blanc got out of the Calash, ~~and~~ did not know him then — ~~Saw~~ Knew Monarque, who first left the Calash, he came back, towards the Soldier, and said dont strike, and passing behind the Soldier, and struck him ~~& the S~~ Wt heard the whopping of the blow and the Soldier fell — One of the 2 men who had left the Calash struck the Soldier wt his feet — heard the Soldier cry out — O my God — Heard some one in the Calash cry out, return him his bayonet — The Soldier got up and went up the Street — asked the Soldier, if he was much hurt — he said yes — if they would come one by one I would fight them — Near Benghams there was a ~~Sold~~ lamp — when the Wt saw blood on the right side of his face of the Soldier — Wt then left the Soldier who went towards the barracks —

X.

Is 18 years on 21 Jany next — This happened on 22 April last — Wt was going along the Street with chairs when this happened — he did not stop until the difficulty began when the Soldier passed — was the width of the Street from the Soldier & these Persons —

That when these men came up to the Soldier, he seemed ready to defend himself

James Crawford, Asst. Surgeon of 24th Regt. was sent on the 22 April last — Knew the late Wm Hands. the Deceased —

he

he was reckoned a steady good Soldier & a Sober man — he was called to attend this man who was then in the Hospital, on the morns of 25d April — he was lying in his bed in a Convulsion & foaming at the mouth — the mouth was much swoln & was bleeding and quite senseless — supposed the wound to have been from the teeth — Wm bled D — he died towards the evening saw him dead — examd his body afterwards — he can say from cause his death arose — he examd the body, but did not pay much attention, but opened the head when they found a strong Contusion — on lifting the upper ~~head~~ part of skull, they found a quantity of extravasated blood — produces a part of the skull — to shew where the fracture took place — there is an oval & a central fracture which must have been ~~go~~ occasioned by one & the same blow — it was possible for the D — to have gone from Mr Binghams to his barrack, that the immediate cause of death would be the effusion of blood on the brain by the breaking of some artery — and in the part of the skull now exhibited there is an artery which appears to have been divided by the blow, & in this artery there is sufficient blood which on flowing out, and accumulated on the brain first cause insensibility & the death of the D — Was assisted in the examination he made on this occasion by Dr Racey — ~~It is not~~ Does not think it possible to have saved this man, had he even seen the D. the evening before — he might have been saved had they known the true cause in time to stop the hemmorrhage of the blood — That

That the blow must have been given by a loaded instrument, or life preserver — but not possible that such ~~an~~ fracture could have been produced by a man's fist — had the D— fallen on this part there would be more exterior marks ~~of violence~~ in the fracture —

The D— was a good & quiet soldier — W attended the Hospital at that time, & D— was the only soldier that was brot in at that time having met with such usage —

F—

Does not think that D. by falling on a stone this wound have happened — had D— fallen from a hight on a blunt stone, it might have happened but not in going along the street, otherwise there would be more exterior marks —

John Racey. Doctor & Surgeon — assisted Dr Crawford in examin's the body of D— on 24 April last — he examd. the brain — saw a slight contusion on the outside of head qt he thot proceeded from bleeding — on removing the integuments & opening the skull they observed one fracture, transversed by another the part of the skull now produced he has some pressured — this wounded was suff.t to produce death by the suffusion of blood on the brain — found a large cloat of blood pressing between the brain & the skull, qt necessarily produced death —

The

The conclusion they formed that the wound was inflected by a heavy instrument or a life preserver — it is not probable that a man falling down in the Street could have produced such an wound. — The D. had time to have gained the barracks before the blood had collected sufficiently to produce insensibility —

x^d

Thinks it ~~not at a~~ very ~~pr~~ improbable that the D. by falling on a round stone in the Street, unless from a great height —

By Court — This blow could not have been inflected by an ordinary walking stick, unless it were plombée or ferée — it requires considerable weight to produce such effect. —

Dr Crawford, says same thing as to the weight of instrument to produce such a fracture —

Thomas Hodgetts — was adjt. of 24 Regt. on 22 April last, gt gives him occasion to know all the men — & to him all absentees & all extraord^y circumstances are reported — a report came to him that ~~a man~~ D. was in the Hospital from a beating he had got the night before — this was the only case of the kind — Knew D. for 12 years — he was a quiet & peaceable man & a steady soldier — he was particularly sober —

Defence

Antoine Provost, Carter — he was retained by Pr. Chapleau to go wt. the Pns when in Quebec Sub. asked him to take them to the market place — while at Hamels in the Quebec Sub. met wt. the Pns & Delisle Bellair — That Delisle was much in liquor — thinks he was little able to give any account of what happened that night —

When he came to Bronsecours Street — Monarque left them — Delisle wished him to go wt. him — and Monarque refused —

Saw a Soldier pass ~~[illegible]~~ close to the Calach much in liquor — he leant on the Calach as he passed — he began to say something — but Wn does not know what he said — best looked like a provocation to those in the Calach — the Soldier then went on — Chapleau told him go to Hell — Soldier answered in same manner — on this — Chapleau got out of Calach & the Soldier went on towards Monarque when Wn heard a blow given and the Soldier fell down — That before this, Delisle cried out beware of his bayonet — The Soldier got up and went on to the top of the Street and whistled as to give a signal to his Comarades — That after this Wn carried Monarque home — Never saw a gaussette in the possession of Monarque — thinks he must have known it — Does not know who struck the Soldier — when

he

he was struck Chapleau was still in the Calash — That on Chapleau returning the bayonet & cap to the Soldier & telling ~~the~~ him to go away — he said Yes — Knows the Prs for some time — enjoy a good character

Considered, Delisle, Bellair & Chapleau as if the same party going to amuse themselves

+

That he heard Delisle asked of Monarque if he had struck wt. the soldier with his fist, adding he generally struck very hard — he said he struck with his hand

That ~~the~~ he saw Chapleau kick the Soldier — he got up of himself went up the street — he appeared to be in liquor from the manner he walked —

It was the Soldier who spoke first on coming up —

John Jordan. Ks. Chapleau for 13 a 14 months — never heard anything agt. his character —

—

Guillt. Jac. Vallé Ks Monarque for 10 years — he always enjoyed a good character & belonged to honest people —

Denis Laberge. Knows Monarque for 12 a 15 years — he always conducted himself as a quiet & peaceable man — has known Chapleau for 2 years —

Alexis Talon de Lesperance — Chapleau's character good —

Paul Labelle — Good character of 2 Prs —

Franc. Deshautels — good character to the Pr.

Franc. Laviolette — 1 Do. do.

Jerome Grenier — Do. do.

Augustin Laberge — Do. do.

Mathew Charles — Chapleau's character —

Edward Thompson — Chapleau —

Antoine Goguet — Mrs.

Jn Bte Berthelet — Monarque —

Verdict, Not Guilty —

Friday 4th Septr. 1835.

Present

The Chief Justice.

Mr Justice Pyke

The King
Rodger Collier
&
Cornelius Collier

On Indictment for Murder —

Ann

Anne Dunn, wife of deceased Andrew Deegan, in June last she lived in New Paisley in the Seigniory of Terrebonne they had a Cow, on the 5th June, the Cow strayed from the house — saw her going in through the wood — There is one lot between the Wn and that of Pns — the Cow went in the direction of the Collier's — Wn followed the Cow, by her tracks and saw the Cow in the Custody of Pns who were leading her towards the river — she asked for the Cow — Pn stood to her to go for Andw Degen & he would pay for all — Wn went for her husband — he was at work at a short distance with one James Gray — told D — that R. Collier was had got the Cow and was going to pound her — D — was disposed to let the Cow go — John Quin & Jas Gray told him to go & get the Cow & to pay the damage, or leave it to men — D. came along wt Wn he took up a stick & was going to take it wt him, when passing Nelly Hedley's she advised him to throw away the stick — which he did & went on wt Wn to where the Cow was, and laid this hand on the Cow's horn, and called out to one Kelly to witness. Cornelius, took a stone & struck D. on the neck wt — when the other Pn with a stick he held in his two hands he struck the D. a blow on the left side of the head which made D — bend down, the Pn Rodge struck a second blow wt his stick on the back part of the head when the D. gent hold of the Cow and fell on his hands on the ground — Mary Kelly & some others came up, raised the D. and carried him to Patk Kellys house — The Pns went on with the Cow — The D — spoke a few words, but incoherent, & could not be made out — understood he lived about four hours — he died that day she saw him after his death — D. was in good health the morning & until he received the blows from Pns

The Cow had trespassed twice before on the land of the Pr and one day Dom. Collier was leading away the Cow & D. went & took her away from him, but did not beat him—

D. took up a stake which he carried along wt him to Heddly's — D. came up with Pr on Heddlys vacant lot. W was behind her husband at distance of about 5 or 6 yards — did not hear any conversation between D— and E. Collyer — when D. called to Pat. Kelly to witness, he did not grit the Cow's horn —

She never threatened Collier — nor did she ever hear her husband threaten Pr the D— and Prs had not been on good terms in consequence of some law suit between Prs and the family called Green — She never took advice of Denis or any other how she might do to swear off Collier.

There was no medical man sent for to ex. the body after the death — There was an enquest held by a person acting as Corona —

Edward Kerry saw D. after her death at Kellys house, the day after his decease — examined the wounds on him — there was no doctor nearer than St Therese distant 16 or 17 miles — the people were

There was a wound of 2¼ inches in depth on the left side of the head, which was the depth of the flesh — it was wide enough to lay his finger in it — the bone was the wound — There was another wound behind the ear near the neck, which was deep and 1½ inch long. when they turned the body, the blood run from the mouth of the D—

The D. was a hard working, and sober man —

P

x²

Wm was one of the Coroners Inquest – said after the Inquest that he was afraid he had not sufficiently exam^d – the wounds & would go back & examine them more fully – He was not on very intimate terms with Pris – Never said the other 11 men of the Inquest were prejud. as they had not brot in wilful murder agt Pris –

James Cousins – was called to ex. D – before his death between 11 & 12 o'clk – W is employed occasionally to bleed persons – The D. was lying on a bed – he had a wound on the left side of the head about 2¼ inches long – there was not much blood – Was w^t him when he died – he had not his senses – Next morn^g after his death he ex^d the wounds again, found another wound on the back part of the head on the right side of the head – did not ex. it particularly –

x¹

W^t bled D – when first saw him – the wound on the left side of head was a clean cut – the wound behind the head, was between the head and neck – He felt pulse of D. before bleeding – it was pretty regular – Did not ex. wound behind particularly – it was right across ~~the~~ between head & neck –

Andrew Moffat – on 5 June last – he saw the stick in the hand of Pris Roope as he was going on with the Cow, about 9 or 10 – There are lots from where the affair happened – considers the stick to be of hard wood, and seemed to be the handstaff of a flail, or something like that – Think, it capable to inflict a very severe wound – Pris called to W. as he was passing – & he told W. how it passed –

that

that D. had come up with a stake, and had struck Corn. Collier wt. it and was about striking the Pr when he struck the D. wt. the stick he then held

x.

Wt saw the appearance of a blow on the temple of Pr Corn.

The Pr Rodger bore character of a quiet & peaceable man. & wd. not think him capable of striking his neighbour to destroy him — Wt. regards him as a fair neighbour —

Has heard that D. was a violent man — never saw it himself — Thinks Mr Deegan is violent when offended —

Francis C. J. Arnoldi, Doctor. on some occasions, a small blow will create concussion from which death may ensue. & some cases a slight blow may create concussion. which the party may recover — That from a violent blow given on the head a violent concussion may occasion such effusion of blood on the brain which will occasion death — & would consider the death of a man happens a few hours after such a blow to have happened — from the effect of such blows if inflicted by the same stick —

Mary Kelly — wife of Pat. Kelly. Knew Pr & D. That on morning as they were taking the Cow to pond she saw Rodger take up a stone and gave it to the other Pr. but did not hear exactly ~~say~~ what he said, but said something like that should not miss their aim — Wt. heard D's wife calling out

and

and she went up to where D. was, he was stooping down and covered wt. blood — saw Pr going on with the Cow — her husband came up and some others and they carried D. to her house, where he died between 12 & 1 of same day — Wm watched him till he died —

x

~~Sh~~

Helen Hedly, wife of Wm Hedley — on morns of 5 June last D. & his wife came up in pursuit of their Cow — he asked if Pr had passed with his cow. he had a large stick in his hand, Wm. requested him not to use the stick nor ~~injure the Cow~~, as it would be the means of trouble between them — when he went away and she saw D. raising the hill she did not see the stick in D's hand — She saw no more of D. until she saw him dead —

James Nowlan. — Saw Pr — after this affray — he had the Cow wt him — he had a stick in his hand, rather a big one — he P. that he had had to fight his way that morning — that he had taken D. cow to pound — that D — had struck Corn. and he had left him to be carried in —

Archd. McDonald — on morns of 5 June last saw Pr pass wt the Cow he called to Wm to speak to him — that it was D's cow he was going to pound — that Sunday morns. the D. had beat his son That that morns he had taken the Cow again — & said that D — had struck or offered to strike Corn. — but that he had stretched him there and carried his Cow along wt him

x

Does not think the Pr considered he had given a blow to occasion the death of D — Said that before the blow was given D — had damn'd him for a Cowardly rascal —

Defence.—

Archibald Sievewright, Capt. of Militia who conducted the Inquest by orders of a Magistrate resident at Paisley— Considers the Pr. to be quiet peaceable man — not likely that he would embrue his hands in the blood of his fellow — ~~The sam~~

John Herbert — Ko Pr — for some years — always found him a quiet, civil & agreeable man — and always found D — the same —

He examined the wounds on the head of the D — The wound on the back of the head did not appear to be a clear cut —

Examd. the place where the affray took place found one stone with an angle — found a hat there & put it into the angle & thought the wound might have been occasioned — there was blood on the stone

Found a stick near the place —

That he heard Edwd. Kerry the Wt heard to day say after the verdict of the Jury, that they were all perjured as they had not brot in a verdict of wilful murder agt the Prs

Hoyes Lloyd — Justice Peace at New Paisley — Knows people there — Ko Pr for 5 years — considers him to be a quiet & peaceable man — & by no means vindictive Had occasion to soothe matters in which the D was concerned — we ought to bury the faults wt the man —

Bryan Kelly — Has heard D say that if he found the Pr driving the Cow any way but home, he would give him a beating —

Polk

Patrick Kelly. – Heard D – say that if he found P – carrying away his Cow, he would drive the urine out of him –

Michael McClosky – Ks. Pr. some give him a good character & some do not – Knew D –

Patrick Carrachan – Ks. Pr. for 5 a 6 years – he is a peaceable man, & bore the character rather of a Coward ~~rather~~ than otherwise – That D – threatened to cut off the head of Mr. boy – That Mrs. Deegan is a violent woman –

George Tait – Ks. Prs. never considered him to be a violent man – can say much the same thing of D –

John ~~Guyer~~ Quin – mentions circumstance of what took place about burning a house, ~~when~~

Verdict. Guilty of Manslaughter agt Roger Collier, & not guilty agt Corns. Collier –

Saturday 5th Septr. 1835

Present

The Chief Justice
Mr Justice Pyke –

The King vs Charles Nolain } On Indictment for Burglary –

David See, lives at Sorel – is mercht there – his store is near the wharf – his store is in the same house in which he

he lives — On the night between 5th & 6th March last — he went to bed after 11 o'clk — he had shut his shop door by a bar inside before retiring — there were 2 windows in the shop wh were also fastened — when he came into shop in morns. he found that several auger holes had been bored through a pole made, & by that means the bar had been removed — the piece of door ~~was~~ now shewn, was taken out by him next day — there were cloths black & blue, hkfs — a piece of cotton — a piece of Calleroe — a no of hkfs — some silver money in crowns & hf crowns to the amount of about 8 dollars — & a great many other articles — He made enquiry next day but to no purpose. The first suspicion was of the Pr who resided at Lisotte & that Lisotte had been demanding a terrier — had more money than usual — and that Pr was selling goods behind Berthier — sent a man to find out, who told Wt the case was so — in the mean time the Pr had returned to Sorel, where he was arrested — Wt saw Pr next morning he told Wt that he & Germain Lisotte came to the house that Lisotte pierced the door, took off the bar, when both entered and took the goods — That goods similar to those now produced were taken that night out of his shop — On this the Pr was committed to gaol —

He cannot swear positively that these goods are his property —

Jn Bte Crevier dc St Jean — lives at Sorel — was requested by last Wt to cross the river to Berthier to endeavour to ~~found~~ out the person who was said to be selling his goods — he went & from the information he recd that ~~some~~ the Pr was selling several articles, & was told by one Pacquet where all the goods were — The Pr was arrested, and

gave

gave in a list of the articles he had sold and the persons to whom he had sold them — The Wts in consequence went to the places & persons described by the Pr — and there found the goods which are now produced

Xd —

That Pr. told Ws he had got the goods from Lisotte, who had hid a part of them in the woods, and Pr. had taken the rest to sell — that they had got the goods together at the Shop of Mr See —

Verdict — ~~[illegible]~~ Guilty of Stealing as laid in the Indictment, but not guilty of the breaking as charged. —

The King
vs
Catherine Riley } On Indictment for Grand Larceny —

Lyman More — on 26 last month was clerk of John Adams Perkins, mercht in Montreal — Did not see the Pr come into the Shop — saw her go out, & had the appr of something under her cloak — found one piece of Calicoe ~~[illegible]~~ in her front, gt. he took from her — he wanted her to back to the Store, but she would not stay down — he then saw another piece under her arm on gt. she lay down — this he also took from her — values them at 45/ — they are the property of Mr. Perkins — were taken from the Shop that day, as Wn had occasion to see these pieces of Calicoe about hf an hour before —

Xd

Pr. had gone on a few paces & passed several doors, before Wn came up with her —

Verdict. Guilty —

The King
Thomas Gillis } On Indictment for Grand Larceny —

Chas. Stevenson, in Augt last he lived in Craig street he was returned home about 1/4 past Eleven — saw a girl of Mr Leclaire's called to Wm to pick up something white — ~~said she~~ gt he did & brot to her — she then said that she had observed two men whom she heard propose to tie their shoes wt that rag — so as to be known they run off on seeing the Wm — went to watch them in the house saw 2 men come out with a trunk from Mr Robinson's house — Wm stood near the door ~~[illegible]~~ & the men appeared surprized, & began to talk about going to another place where they could get liquor cheaper — The Wm seized the Pr and asked him where he was going wt the trunk — Pr he was hired by the other who had run off, to assist in carrying out the trunk — knocked at the house when a person came to the window and claimed the trunk as their property, and the Pr was committed. The trunk now produced is the same as that he then found to be in the possn of Pr — The Pr had not his shoes on, & requested Wm to look for them — The several articles ~~now~~ mentioned in the Indictment were found in the trunk — which was ~~found~~ carried to the Police office — Wm found the shoes as described by Pr next day —

Jean Hossack — In Augt last she rented a room in the

upper

upper part of Mr Robinson's house — had the trunk now produced which is her property & has been in her possession for twenty years — the several articles mentioned in the Indictment were in the ~~property~~ trunk and are her propropertys and of the value stated when she went to bed, the trunk was in the adjoining room — heard no one take it away — She heard some one knocking at the Shutters, in the night time, she got up & understanding that her trunk had been stolen, she knew the trunk ~~to be her property~~ when brought in, to be her property — She found the Pns shoes qt were brot to the police Office, they were given to the Pn who put them on & they seemed to fit him —

Verdict. Guilty. —

Monday 7th Septr 1835. —

Prest

The Ch. Justice

Mr Justice Pyke

The King
v
Barnabé Cardinal } On trial of Indictment for ~~Grand~~ Petty Larceny &

Michael Brophy, lives in Montreal, on 29th Augt last

he

he was taken to the watch house - he had been drinking that evening - before he had been drinking & he had in his pkt book, three one dollar bills, gt he kept in his waistcoat pkt - with a no. of tickets for sand - That while in the watch house he was woke up & asked if he had lost any thing and at same time shewed him the pkt book more produced - cannot identify any of the bills, wo. recognized the pkt book to be his property -

Cannot say whether

Tousst Bertrand - one of the watch on 29 Augt last, the last wit was brot to the watch house in liquor - he was put in the black hole - The Pr. was in it at the time - there were no other persons in the black hole at the time - That a third person was afterwards arrested & put there - there was some noise in the place & one Colombe went in to quiet it, he saw some bons in the hands of Pr. on this they searched the Pr. to see if he had any thing else on him - they found 3 bills of a dollar each. and a pkt book gt was under his head - on this the Capt asked last wt if he had lost any thing - he examd. his pkts & found his pkt book & money gone which he said he lost - he could not tell how much money he had when he came to the watch house - that he had some change, gt fell out of his pkt & gt the watch picked up - The Pr. gave no account how he came by the ~~mo~~ bank bills - when they were going to search him he sd he had only 4 coppers on him - but gave no account how he came by the three bills -

Witness was not present when the bills were found on the Pr.

Chas. Colombe, one of the watch on 29 Augt last — remembers the first W. was brt there & put in the black hole, the Pr. was brt there afterwards & put in same place — W. heard noise in place, went in saw Pr. have in his hand a parcel of tickets — W. took up the tickets to examine them, was desired by the officer of the watch to see if there was nothing else in possn. of Pr. found a pkt book under his head — saw some more bons in the pkt book — they then asked Pr. if he had any money on him, he said he had only 3 or 4 coppers, but on search's him they found 3 bank bills of one dollar each in his possn. — they then woke up the first W. and enquired of him if he had lost any thing — on examn. he found he had lost his pkt book — od. he had that day recd. 4 dolls. in bank bills, & that he changed one of the bills — The officer then shewed him the pkt book & money to first W. gt. he claimed as his property — the 4/3 ~~had been~~ change of one of the dollar bills the watch had taken from the Stk. a retained for him —

x

The 4/3 was tied up in a hkf & had fallen down as the Brophy was in liquor and had been picked up by the watch —

Verdict, Not Guilty —

The King
v.
John Hamilton

On trial of Indictment for Manslaughter

Fran^s. Laflear, In Augt. last year — knew late Louis Duquet — W^s. met D. a little in liquor in the Street — he asked if he was in the right road for Lachine — W^s. said if he w^d go w^t him he w^d put him in the right road — he followed W^s. to hay market — there saw the P^r. coming on in a 4 wheeled carriage who drove at a good rate — the D — not being active enough to get out of the way, so fast as W^s. was who was sober — D. made a false stept, when the W^s. wheel of the carriage caught him, knocked him down & run over him — W^s. pitched up D — & several persons called out to P^r. to stop — he only stopt and looked round & then rode off — the W^s. spoke to D — but he appeared to be without sense and the blood running out from his mouth & nose — and W^s. observed that the back of his head was much bruised — a person in a house near brot. some water & vinegar to endeavour to bring D. to, but without effect — The W^s. seeing Mr Delisle was looking after the P^r. went to his work —

It was on the left side of the street — going to hay market — as they went on they did not perceive the P^r. coming — he was driving his horse at a good trot — That P^r. was turning the corner of Mc Gill street & W^s. & D. were going round the corner in the opposite direction when P^r. drove over the D — saw D. next day at the hospital dead — it was the right wheel of the carriage that struck the D —

F

The D. was in liquor - and staggered in his walking - It was in turning the corner of the Street, that the accident happened, and had not the carriage gone on so quickly the P. could have had time to pull up his horse - The carriage passed between the W. and D - the D. being nearest the paved side of the Street - Thinks that D - may have stumbled which may have occasioned the Carriage ~~getting~~ catching him -

That P. might have seen the P. & D - in turning the corner before the accident happened, & had he not been driving so quick might have had time to stop the horse. ~~if he had~~

Charles Ethier - in Augt. last year - saw the accident ~~of~~ happened to D - W. was taking his breakfast near the place - saw P. was going at a quick rate passing an ordinary trop - the D. was much in liquor and might be about 6 feet from the pavement & w. last Wk

That the P. could not have time to have stopped his horse at the rate he was going until he hit the D - Thinks P. did not see D - until it happened - Saw D. struck by the carriage, ~~which of~~ which had two wheels - saw D. fall - he was struck in the head - was carried to the hospital and died next day. -

The D. was very drunk. -

Dr. Guillaume Vallée - Surgeon - was called by Coroner to visit the body of D - on 29 Augt. last - he was sent for to the Hospital of Hotel Dieu - went there & saw a man named Ls Duquet he was in a state of insensibility, saw much blood flowing

by

out of the right Ear — the bones on the back part of the head were all shattered — he died next morning — We attended at the Inquest, he examd. the head. the skin was entire — he raised the skull and found a great quantity of extravazated blood, and perceived a fracture on the back part of the head, which embraced the bones on the upper & lower parts of the head — He then raised the pieces of broken bones & observed a quantity of extravasated blood — and he was convinced that the injury D. had thus received on his head was the cause of his death — the blow must have been violent as there were three fractures, and one of them in three other pieces —

X

That the fracture must have happened by coming in contact with some very hard substance — a fracture may be occasioned on the bones of an old person than a young one — The blood vessels of an old person are more likely to give way than those of a young —

Charles Ethier — called again — says he saw the D — next day at the Hospital of the Hotel Dieu — & saw him dead there

Defence.

Moise Courval — was not present when accident happened. saw D. at Dr Stephenson's house before, & he was leaning agt the house — saw him after the accident

Lewis

Lewis Haldemand — Ks Pr — he was in the service of Ps when accident happened — he was driving a light carriage wd two wheels — which is easily propelled — The horse was easily scared — and an accident had happened wt him before — Pr had been in the employ of Ps. only 3 days when accident happened and Ps. gave him directions not to take a whip to the horse — Observed that Pr drove carefully — he kept him for 7 months after and him careful and of a quiet disposition. —

The horse would of himself go slow on going round a corner and then start off again — thinks this was merely an accident from the habits of the horse and the state in gt D. was —

John Warner. Ks Pr for 3 years — knew him in Ireland — he was a quiet sober young man —

Robert Stewart Ks Pr for about 13 months — always found him a civil quiet young man —

Louis Lamontagne — was present at the accident — is a mason & was near at the time — saw the Pr going at an ordinary trot — nothing extraordinary — cannot say whether Pr went on faster after he passed the house of Mr Valois, but immediately after one of the masons came & said the accident had happened —

X

When the Pr turned the corner he could not see whether he went faster or not — he had only about 30 feet to

get

get to the Corner when Wm observed him —

Frans. Lafleur — says thinks that the D. made a false slip and staggered towards the carriage —

Verdict. Not Guilty. —

Tuesday 8th Septr. 1835.

Prest.

The Chief Justice.

Mr Justice Pyke.

The King
Jn. Bte. Fournelle

On Indictment for Sacrilege —

Joseph Archambault — In March last he lived at Mr Jacksons nearly opposite Hotel Dieu Church — he saw the Pr. on morns. of March last about 7 o'clk in morns. he seemed to come out of the Church of the Hotel Dieu, he was walking, not too quick — Wm heard the cry. aux Voleurs — by persons who came out of the Church — Wm saw Pr. going towards the new Market — he heard something fall on the pavement. he might be 30 or 40 feet from where he heard the lamp fall — saw no other person pass but the Pr. when he saw the lamp after hearing it fall —

X.

When Wm first saw Pr. he was about 50 feet from the Church — When Wm came out of his shop. the young

men

men had the lamp in their hands - the Pr was then about 50 feet from the Church, & about 20 or 30 feet from the lamp -

Louis Bourassa - On 20 March last he was passing near the Hotel Dieu Church, he saw two young persons ~~crying~~ one of whom cried out there is a thief carrying off the Lamp - ~~and~~ saw also two of the Nuns - who were crying out, there's a man who has taken our Lamp - That he saw the Pr who was the only ~~one~~ person then in the Street, except the 2 men who were pursuing him he observed him as if he was stooping, and he saw the lamp near the door of the Yard, and the W. pursued after the Pr and came up wt him near the water side, he requested of W to let him go, that he was too bad a man to go into the Church to steal a lamp, & was accused of two many thefts and requested of W. to let him go - W. kept hold of Pr & delivered him to the watch -

W. when coming up to Pr told him he arrested him for stealing the lamp - the Pr said he was unworthy to go into the Church -

Jn Bte Lescarbeau - was employed in the Informing of the Hotel Dieu - that on the 20 March last - W - heard Louis Dupuis cry out, aux voleurs - there is a man who has stolen the lamp out of the Church - W. went out, saw the Pr who took the lamp out of his Capot & put it down near the door of the Yard - At ½ part 5 that morning he saw the Lamp that morning & raised it up a little - The lamp now produced is the lamp which belongs to the S. Church, and is the same the Pr laid down near the Yard door - It belongs to the Hotel Dieu Church

and

and is used in it —

The Church is situated in St Paul and is called the Church of St Joseph de Hotel Dieu — ~~when~~ The Pr. after putting down the lamp, run off quickly —

x

We opened the Church in the morning, and ~~opened it~~ did not return afterwards till he heard cry of Thieves —

Franc. Lesiege — Was employed in Infirmary of Hotel Dieu in March last when he heard a cry of Thieves. — run out, saw Pr. when he observed him stoop, and put down the lamp, and then run off — The lamp belonged to the Nuns of the Hotel Dieu

Joseph Bourré Knows that Hotel Dieu ch. is called Church of St Joseph de Hotel Dieu — The corporation of composed of Marianne Lepailleur de Oisie, Superior, Marie Lae Lepellé Mozier, Sdeur assistant — and Marie Cath. Lacroix, Institutrice des Novices, and Marie Cath Hurtubise, Sdeur Hospitaliere, & Marie Wicks, Depositaire des biens de la Communauté —

x

The Church is called. Church de St Joseph de Hotel Dieu, that the Corporation is composed of the above persons, and act in ~~that~~ their said capacity — & generally all the ladies composing the Community — has never seen their charter, ~~and~~ nor the acts under which they have been appointed —

Defence

Mr Hart for the Pr. objected that no proof had been adduced to prove a taking in the Church; which

implied

unfinished & uncertain — on which the plan was drawn and used as a Church —

That the Evidence & Indictment are at Variance — being the Church of Notre Dame de St Joseph in the Indictment and the proof is that it is the Church of St Joseph de Hochelaga —

The name of the Company is laid as being the property of 2 Individuals — The names of those Individuals are not stated as representing the Parish, or the Community of that Church —

If property stolen from a Firm — all the names composing it must be named —

Mr Hart. 2 Russel. p. 163. 164 — No proof of their Corporation of Notre Dame — 2d Count in the Plaintiffs Ladies — This no Corporate name — The last Count must fail, as the Corporate name is not mentioned —

Verdict — Not guilty of Sacrilege, but guilty of Grand Larceny to the amount as stated in the 3d Count in the Indictment. —

Wednesday 9th Septr 1835.

Present

The Chief Justice

Mr Justice Gale.

The King
v.
Paul Giroux, otherwise called Hypolite Giroux

On trial of Indictment for Burglary

Patrick Trainer, was in the service of Paul Singer last Augt. who lives at Laprairie near the River side – On the evening of the 8. Augt. last the house was shut up – there is a bar gt. in front of the dwelling house – there is one window in the bar – it is an English sash –, there is a hook & shutter inside – it was shut that night – In the night between 3 & 4 o'clk in the morning he heard the window shutter open went to shut it – he saw a man putting his leg out of the window, he appeared to be going out of the house – It was the Pr. he escaped – We called Mr Singer down to the market place & then found the Pr. We knew him again – they took him back to Mr Singer's house – they searched him, found a large quantity of coppers in his possession – there was a key found on him – same as now shown – there were some pieces of 2/9. & of 1/3 & 7/6 found on him – Knows the key – it is the key of a box, gt. belonging to Paul Singer she has had it in his possn. often –

£–

When he first saw Pr. at the bar, he had no hat on, but when he saw him in market place he had a hat on – The key when not in use was generally left in the till in the bar, and to save it was in the till that night –

Knows that it was the Pr he saw at the window, it

W Bs

was light enough to distinguish his features

Paul Singer – lives at Lorraine, keeps a tavern there – on the night of 3 Augt last he was woke up by last W. who told him a man had escaped from the house by the window – went in search of him & found the Pr on the market place & arrested him – searched him at his house & found the Coppers – the Key, and the silver pieces now exhibited on him –

There had been stolen from his till about 5 or 6 s in coppers which were carried off, with the key gt was in the till at the time – ~~there were three pieces of 2/9 which were taken at the time~~ –

Verdict Not Guilty of breaking, but guilty of ~~stealing~~ petty Larceny. –

The King
v
Louis Piccard } On trial of Indictment for an assault on the Clerk of the Market. –

Leond Bernard Leprohon – in April 1834 he was clerk of the market – he had recd directions from the Corporation to see that no tainted meat should be allowed to appear in the market – on 26 Apr. between 3 & 5 O'Clk. P. M. he perceived some veal gt was tainted on the Stall of Defdt Defd. perceived Wt – exam'd his stall – Wt. went for his constable Amb. Littoré – he returned to Defdt. Stall – he looked for the veal he had seen there, did not see it – but knows that Butchers had suspected meat – told his constable to left up a Capot to see if the veal was there, but saw nothing –

saw

saw some beef on the Stall, told his constable to look under it — Defd. told Constable not to touch it, or he would cut, or knock your fingers w. my knife — Ws. told Constable twice to soft the beef — he was afraid Ws. then went himself & as he was going to put his hand on the beef Defd. w. his knife in his hand forbid him — but Ws. put his hand on the beef when Defd. struck him on the hand w. his wife which started the blood — reproached the Defd. w. his conduct — told him he must see if the the veal was concealed, there again put his hand on the beef, when Defd. struck him again with his knife & inflicted other wounds on his hand — on this ~~Defd.~~ Ws. said he must see what was there on this Defd. said, ask me, and I will show you — why do you not ask me — on this Defd. removed the meat — The Defend. appeared to be in great passion, and made use of abusive language

The Defend. knew that Ws. was clerk of the market, and had done business w. him as such.

X —

Had examd. the Defd. stall in the morning does not recollect to have seen any tainted meat there in the morning — Ordered his Constable to lift the ~~meat~~ beef to see if the veal was under it —

When the beef was lifted up — the veal was not there — Thinks it was on Defd. stall he saw the veal, or at least on the stall where he sells meat —

Ambrose

Ambroise Littoré – Constable In April 1834 he was assists the Clerk of the Market – That on 26 April Mr L – on making his visit in the afternoon, observed some tainted Veal – called to Mr to go wt him, went to stall of Defdt ~~The Veal~~ saw no veal on the stall – saw a Cloth & Carpet on stall – L. told Mr to lift them to see if Veal was there, it was not there – looked under the stall saw nothing – There was a quantity of meat cut up on the stall, & L. told to lift up some of the pieces to see if the Veal was not there – Mr was on point of lifting some of pieces of meat, when D. raised up his knife &c. if he touched the meat he would chop off his fingers – Mr L. told him a 2d time – Mr refused on this Mr L – took up a piece of beef when Defdt struck him wt his knife on the hand – Mr L – reproached D. wt his conduct – Mr L advanced his hand a 2d time, when D. struck him a second time – when Mr L – withdrew. –

X –

That after D. had struck the Clk. the Defendt may have told him not to touch the beef as it was sold –

Defence. –

André Normandin – butcher – his stall is opposite that of Chas Picard – was present at time of dispute been Dfe & Clk of M – There was a quantity of beef stall of Picard qh he had sold to Dufresne – That he is positive to say that the Veal was not on Defdt Stall – Defdt objected

to

to Mr. L. ~~layer~~ touching the beef — That there was some veal near Dfd. stall qt. was tainted, and on seeing Mr L — coming, the butchers removed it That Mr Lipn — coming up to Dfd. stall & letting the Constable to lift up the meat, Dfd. forbid him to touch the beef, it was sold — That on this Mr. Lipn — went to lift the beef when Dfd. forbid him — That Mr L. persisting & laying hold of the beef, the Dfd. struck him on the hand — That after he was struck, Mr L. asked Dfd. to shew him if the veal was there — when Dfd. shewed him that there was nothing under the beef —

The veal was on St Germain's stall next to that of Dfd.

John Flaherty — butcher — Has complained of Mr L — to the Corporation — that Mr. L. is not competent to know the quality of meat — there were 2 quarters of a horse bro. to market — qt. he did not know difference Mr. allows no one to touch his meat —

Jean Verdon. knows that the beef on Dfd. stall was sold —

to

to Dufresne who told D— to take care of it, and let no one touch it— it was covered over— Knows where the Veal was— it was not on the stall of D— when Mr L— was going in search of it, it was carried off

Was present at the dispute— L. told his constable to look under the buff— D. told him not to touch it L— told him a second time to look— that ~~Mr~~ Dep^t assured Mr L. there was noth^g under it— told Mr L. he would shew him there was nothing—

Struck Mr L. twice— after striking the second time D. if you wish, I will shew you—

That had there been Veal there it would have been easily seen—

Michel Laroche— Mr L— sported 2 or 3 quarters of beef he had in the market, by the manner of handling it— That he was not present at the commencement—

Fran^o. Lacoste— butcher— was present at the dispute between L. & Dep^t. there was some pieces of meat under a cloth— Mr L. asked D. what he had under the cloth— he said it was beef he had sold to Dufresne— L— told his Constable to lift the cloth to see what is under— on this D— told him not to touch it, or he would cut his his fingers— Victor striking out his hand, when D made a blow at him but Victor withdrew his hand,

on

on this Mr. L. put his hand on the beef, when D. struck him — Mr. L. was in passion —
Had there been any veal, it would have been seen on taking up the cloth —
Would not allow any one to handle his meat

Verdict, Not Guilty.

The King
vs
Charles Nolain
and
Jn. Bte. Moreau
otherwise called Jn. Bte.
Buffalo

On Indictment for Petty Larceny —

Philip Burns, high Constable for Three Rivers — in Sept last he met the Pr. Nolain in the Street of Three Rivers — He had a spade, a gridiron & a fork — having heard the evens before of the arrival of 2 persons wt. stolen articles, suspected Pr. — asked Pr. if they were for sale, asked 2/ for them — he arrested the Pr. & he was sent to Goal — Wr. went afterwards to on Websters where he found the Pr. Moreau, whom he had occasion to know before. he suspected that Nolain was his associate — Wr. was told by Webster that Moreau had 3 large axes in his possession, qt. had been brot. to Websters by Pr. Moreau & another person — Wr. examd. the on of the axes believed them to be Bonnie & Hedge's property from the Stamp on the one. Webster said that Pr. Moreau had brot. the axes there, and being asked where he got them the Pr. would not answer and was committed — These axes have been in his

possession

possession until delivered up to Mr Delisle —

Thomas Webster, lives at 3 Rivers — On evens of 16 Sept last the 2 Prs came to his house — they brot a small brass kettle, wt them qt they wanted to sell, as they had been rafting or on a Shantier — W. offered them a price for it 5/- which they accepted. —

On the next day he met one of the Prs alone — Moreau who had 2 axes qt he offered to sell to W. for 5/ each — this was cheap, if the axes were good — Told Pr if he would bring these axes & such other as he had, W. might buy the whole — Pr refused wished to sell these first — went to give notice to high Constable, and when he returned home he arrested the Pr until Burns came in & took charge —

When the Prs came first to his house, they were together, they sold the kettle, drank each a glass of rum, took up the money & went away —

Samuel Hedge about the 9 or 10 Sept last the shop of Hedge & Bonner was broken open & 48 chopping axes stolen, & 5 broad axes stolen — thinks those axes now shewn on their property sells them at 18/ each by retail. —

Considers the three axes as the property, from the stamp on one of them — the two others are in an unfinished state

Daniel Ferries — is in service of Hedge & Bonner — Is positive to say that the stamped ax belongs to them — as he made it for them

Verdict — Guilty, agt both Prisoners —

The King
v
Charles Nolain
In Bte Moreau
otherwise called, Jean
Bapte Buffalo —

On trial of Indictment for Petty Larceny —

Philip Burns. High Constable of Three Rivers on Sept. last year, about the 17th of that month, he met the Pr. Nolain one morns in the Street, wt a spake a gridiron & fork in his possn having heard of a theft at Hedge & Bonners the Pr was committed — from informn he had recd from Mr Webster that he had ~~stolen~~ recd some axes from Pr Moreau — he went there & found P Moreau, whom he also arrested —

The articles now produced are same he found in the possession of Pr Nolain — the kettle & axes also have remd in his possn since —

Thomas Webster — lives at 3 Rw. on evg of 16 Sept. last the two Prs came to his house & offered the kettle now produced for sale — they ~~bot~~ it both bargained for it & he bot. it for 5/ — they had 2 glasses of liquor. & the bal'e he delivered to the Pr who ~~took~~ both counted the money, took it up & went away — One of them Moreau came back next morns wt some axes, he suspected him & had him arrested —

John Carter, son of Mr Carter of Sorel — lived wt her — On 13 Sept last, sundry articles were stolen out of his mothers kitchen the articles now produced mentioned in the Indictment were his mothers property and were then stolen — value

them

them as stated in the Indictment — Then articles were traced to Three Rivers, and he understood they in the possn. of the Pr.

Verdict. Guilty agt. both Prs

The King. —
v
Tunis Loucks

On Indictment for Stealing a horse —

Jacques Perrot — is of the parish St Edward near Lacadie — on the 22d. last month he had a horse of a reddish brown qt. he put into the field at night, and next morning about 6 o'Clock the horse was missing — he went in search of him in the field, but did not find him — went towards the Church, & there got some information of his horse — he pursued after him, & as he went on he got still further information of his horse — stopt at a house where a young man went along with him & they came up with the Pr. who was on the horse, he made him get off, and took possession of his horse — there was neither bridle nor saddle on the horse when he found him —

The Pr. had another horse wt. him, & on giving up the horse of Mr. the Pr. got on the other horse — values his horse at £5. — The Pr. was brot. before the magistrate who committed him —

Verdict. Guilty. — Recommended to the mercy of the Crown. —

The King
v
Joseph Piccard

an Indictment for Person breaking
The Pr. pleaded - Guilty —

The King
v
Jn Bte Fournelle

An Indictment for breaking Gaol
The Pr. pleaded Guilty —

The King
v
Jn Bte Laviolette

An Indictment for breaking Gaol -
The Pr. pleaded - Guilty —

Thursday 10th Sept. 1835

Present
The Ch. Justice
Mr Justice Pyke
Mr Justice Rolland
Mr Justice Gale.

This day the Prisoners convicted during the present Session having been brought before the Court the following Sentences were pronounced

The

The King
vs
Jn Bte Fournelle
Joseph Picard
Jn Bte Laviolette

On conviction for breaking Gaol
Judgt Six months imprisonment
in Gaol.

The King
vs
Adam Neil
Michael Sanche
Charles Laplante
Joseph Thomas
Paul Giroux
Charles Nolin
Jn Bte Moreau

On Convictions for Petty Larceny
Judgt That each of Prs be confined
3 months in Gaol – except Charles
Laplante, to be confined 6 months, and
Charles Nolin and Jn Bte Moreau, each
for six months, by reason of two
convictions –

The King
vs
Bridget Brenan
Alice Cummings
Catherine Riley
Thomas Gillis
Marcellin Beauchamp
Jn Bte Asselin
Joseph Asselin
Charles Nolin

On convictions for Grand Larceny
Judgt of Six months Imprisonment
in Gaol aps. each of the Prs

The

The King
v
Rodger Collier

On Conviction for Manslaughter -
Judg't - 12 months imprisonm't in Gaol

The King
v
Bridget Clemens

On Conviction for Stealing above the value of £15 in a dwelling house -
Judg't - Death - Sentence recorded

The King
v
Denis Loucks

On Conviction for Stealing a horse -
Judg't Death - Sentence recorded -

The King
v
Chas. Nolin
Casimir Larochelle
Jn B.te Vincent

The Prisoners, charged on Separate Indictments for breaking Gaol, appeared in Court, and moved to be permitted to withdraw their respective pleas of not Guilty, by them severally pleaded, and to plead Guilty to the charge against them which was granted, and their plea of guilty recorded -

Judg't Six months imprisonment in Gaol -

The King
v
Jn B.te Fournel

On Indictment for Sacrilege -
The Court reserved the Judg't on the Verdict until next Term -