Kings Bench. Criminal Court.

Friday 24th February 1837.

Pres.t

Ch. Justice Reid.

Mr Justice Parke.

Mr Justice Rolland.

Fourteen of the Grand Jury appeared & were sworn and charged by the Court.

The Grand Jury having returned Several Bills of Indictment in Court, the prisoners were arraigned thereon.

Saturday 25th Febr.y

Present

The Ch. Justice

Mr Justice Parke

The King
v
Henry Harrison } On Indictment for Grand Larceny.

Mary Susanna Hallowell, on October last she lived in Dr L. Str. - on the 10th of that Month the fire broke out in the house. - Wm is servant of Mrs Burham. - Wm had a box containing a quantity of Jewellry, miniatures & other
Mrs Ogle came w.th a horse & cart to take off her things. - the house was burnt. - Wm was absent at the time, but had left the box now shewn in the house the same evening. - on opening the contents of the box, she says that all the articles therein contained, as specified in the Indictment and of the value as therein

therein stated, are her property — all these articles were in the bags that week — she did not return to the house after when she went to Mrs B Shaw's she found these articles were missing — caused them to be advertised — ever at Mrs B's when the ear rings were produced in the pris trunk were shown to her by Mr B — values these ear rings at 21/—

Had no particular mark on the ear rings, but from the time she had used them & they had been in her family, she is convinced they are her property —

George Brown — was in Mr B's service in October last — and in January last — he then found in the hay loft a bag, same now shown, it was lying on the top of the hay — he untied it — he saw several articles in it such as those now shown — he just drawn the bag again — he told his master of it — the state then was in the charge of the Pr and of the Wife — sometimes the one & sometimes the other attended to it —

Never saw the bags with the Pr nor any of the articles it contained — there were several other people about the house —

John B Shaw — Ks. the Pr — he was in the service of Mr in Oct last — prior to here the bags was found — was groom to the horses — in Oct last a pris box was sent in the house where she lived — the last Mr Brown was in the service of Mr — had charge of a horse out of town. About Dec. last he came & lived with Mr in town — In Jany last Brown asked Mr if he had lost a bag, as he had found one in the hay loft — he told in the

bags

box now shewn, & contained several articles now shewn, which Miss H. claimed as her property — she was present when the box was opened & the contents exam. — In October when the fire happd. there was no other servant in his employ but the Pr. and the suspicion fell upon him — he went immediately to find the Pr. who was in his pantry — told him that the box had been found — there had been a general mention in the house & family before this that this box was missing — asked Pr. to open his trunk, he opened it — at first he found nothing in it — Pr. asked if he had not secret drawers in his trunks he d. no — for. was told there were secret drawers in trunks. went again & made for. open his trunk & the secret drawer and in it he found the pair of ear rings now shewn — Pr. when he got it — he d. it was his property — but could not tell how he came by it — Miss H. recognized the ear rings & said they were hers — The Pr. persisted in denying that he had any ken. of the things lost — and upon further enquiry Pr. d. he might have bought the ear rings of a Jew about 2 years ago — & the value might be about 7/6 — After Pr. was in Gaol — he asked ex. for his trunks — ex. asked for the key, the Pr. gave it, and upon further search he found in the trunk the box now produced, & Miss H. claimed as hers —

The Prisoner called no witnesses in his defence —

Verdict Guilty

The King
vs.
James Strait

On Indictment for stealing a gelding —

James Liddel, is a baker, on 19 Dec. last he lived in Griffin town near Montreal — he then had belonging to him a brown horse of the value of ten pounds — that night the horse was in his stable on the night of the 19th Dec. last — the next morning the horse was lost to Mr. with the Pr — The wit. had not given permission to any one to take the horse that night. —

Mathew McLean — He lived near the Tannery on Dec. last — he knows the last Wit. — On the morng of the 20. Dec last about 3 o'Clk in the morng he heard a noise & made him get up, he saw there saw a horse in a carrole near his house — knew the horse to belong to Liddel* — he went a yard or two & he saw the Pr coming out of the Lay Croft of Mr Mr arrested the Pr took him into his house — he gave him in charge to a Constable — the Pr was going past the stable when Mr arrested him & saw one other person there at the time but the Pr & the Pr said he had taken Mr Stathams to Lachine and was on his way home again — M Brot the horse to town and Mr Liddel knew the horse to be his property. —

* thought he came improperly there at that hour, & on advancing

& suspected he was the person who had brot the horse there & asked him how he came there with the horse.

The Prisoner called no Witnesses. —

Verdict. Not Guilty.

The King
vs.
John Smith

On Indictment for stealing two geldings

Antoine Delbord dt Latourelle, lived at Montreal on 29th Sept. last he then had two geldings - one a grey the other light brown in a pasture of Ps. Dufresne - he saw them ploughing that day - the fences are of three rails & in good order - on the 30th Sept. the horses were missing, the sort. went in search, but did not find them - was told by one Mallet that in the morning before daylight he saw a person pass Pre Blain wt two horses - could not tell the colour - Pre took Mallet wt him to the place where the horses had passed at a tavern, & the woman told them that she had asked the person what he had to sell the horses, the person said - 100 dollars - the pursuers about midnight came to one Waters at the Cedars and in the night he heard a noise at the door, on going out saw one Gamelin wt one of his horses - who said he had got him in exchange - they the pursuers on pursuing to one Carrie's above Pre a Bandet, where they found the Pre wt the other horse, the grey horse ye Wr. knew to be his - they knew the Pre down, down the way found the person who gave said the horse the Pre had got in exchange from Gamelin - that how the Pre said he had the horses from one Vredon and Cazavan, and had them for sale for them in partnership but that he the Pre had not stolen them -

Benje Gamelin, lives at the Cascades - on the 30th Sept. last he met the Pre at Mad. Taylors in the afternoon - he asked her to exchange horses wt him - He at long the agreed to take 2 dollars to boot for the grey (chestnut blond) horse of the Pre had on this the exchange was made - That about midnight he met wt Mr Latourelle near the village of the Cedars, who knew his horse

horse and claimed the horse as his & had been stolen — Latourelle then asked Mr to go with him in pursuit of the Pr — & they went on after him as far as near Pte aux Trembles & there the Pr was found, and when they found the other horse Sgt. Latourelle claimed as his — being the grey horse. —

The Wr found his horse in the possession of the person to whom the Pr had sold the horse the Wr had given him in exchange —

Franc. Mallet, lives at Pte Claire, he met the Pr about 30 Lph east there, he had two horses viz. him a grey, and a whitish horse — he was going upwards — on the same day Latourelle came there & asked if Mr had seen any person wt two horses, & Mr said he had & gave him the day he had — The Wr pursued Mr Latourelle, and they arrested the Pr at one Lonie's above Pointe a Baudet & found one of the horses there —

Defence —

Antoine Ortie dt Laurent Ortie — a prisr in Gaol. Saw the Pr bargain wt Verdon & Cazavan for two horses a grey & a black horse — saw the Pr count out money for the horses to them men but cannot say how much — That it was in the X Lt Sat. after Christmass that this happened — That Verdon & Cazavan said that they had put the horses into a field — heard them say, they must get off now as they had made their last haul —

x

Thought but latter of what Verdon & Cazavan said this to the Pr one of the horses was a (gelding) the other was not — the gray was a station & the black was the gelding —

Verdict. Guilty. —

The King

The King.-
v.
William Bristol } On Indictment for Grand Larceny.-

Hugh Edmond Bacon, says he lives at Montreal. That about 6 Sept last the Pr entered his service on the 17 Nov: the Pr absented himself contrary to the orders of the Wn on his being found out that Prisoner gone, and on examining the side board it was found that a number of Silver Spoons were wanting - one a Sauce Spoon of the value of 25/- another silver Spoon worth 20/ four table spoons worth 20 dollars - two tea Spoons valued at 1/6 and two salt spoons value 1/- Wn went after the Pr and near the Steamboat Pr Victoria, sitting on a barrel near it - Wn asked him what he had done wt his spoons Mr Pr & he had them with him - Wn did not search him but put him into a Cart, and sent him to Mr Delisle the high Constable - Mr D- opened his Coat & found some of the Spoons under his coat & the rest under his waistcoat the Spoons now produced ~~on his person~~, & the same stolen - the table Spoons are all engraved, except the small Spoons & the Sauce spoon - but he knows these Spoons were in his possession & in daily use by Wn & his family, but they do not all belong to him ~~& the rest~~ his brother

Benjn Delisle high Constable - about the 17 Nov: last Mr Bacon brot the Pr to his house, charged wt stealing several of his Silver Spoons - and on searching him he found on his person all the Spoons now produced which Mr Bacon said belonged to him -

Verdict Guilty.

The King
vs
John Wolfe

On Indictment for Grand Larceny.—

James Bisset lives at Montreal, has the Contract to furnish beef to the troops in Montreal — rented a hangard from Mr McMahan — had a large quantity of beef in that store — was absent from Montreal on the 13th Febr last — the day before he was in the store saw a great quantity of beef in quarters — came back about the 18th — he was told that during his absence some of his beef had been stolen — Mr M. lives close to the store on the same lot — Mr Wragg lives also in the second story of the same house with Mr McMahan. values his beef at 4d ℔ pound — the hangard is about 20 feet from the house — was told that a quantity of beef had been stolen — cannot tell himself the quantity. —

Was told the theft had happened on the Monday night, 6 days before his return — ~~Mr~~ Mrs pierson ~~told~~ told him own man had the key of the store —

Peter McMahan — lives in St Paul Street in montreal, & occupies a good floor of the house in which he lives the upper part is occupied by Wm Wragg — The 10th allowed Bisset to use the store for his beef — on the night of the 13th he was aroused by some calling out that there were robbers in the yard & that beef had been stolen from the store — he went in front of the house to meet the robbers, but they had passed he then looked into the yard to look further, when Wm Wragg called out that Mr had stolen beef — at same moment Mr came into the yard, and

on

on this he arrested Wolf the Pr and took him into his Custody — he denied at that time knowing any thing of the business — We then went in company out another man in hopes to find the accomplice of the Pr they went round for several hours, when he met a few man who appd to know nothg about — from thence to the watch house — & returned again to search in the suburbs without finding any thing — sent for the servant of the Bisset to take charge of the Store yt were then open — on his return with the Pr had acknowledged having taken some of the beef, that it was concealed in the Montreal water works — looked there, but found nothing — He then returned home, when the Pr acknowledged that the beef had been taken that had been put in the water works, but that it had been taken from there and placed in another part of the waterworks — that he acknowledged to having assisted in taking 3 quarters of the beef — Story sent to the place and was told the beef had been found there next morning —

— Ws first saw Pr when he came into the yard — the Pr lives about 15 yards from the Store where the beef was — Does not think the Pr could have heard the alarm Mrs Woods gave —

Sophia Low, widow of Wm Woods — lives in the 1st Story of the same house we Graham — the Store is in the Yard — In the night of the 13th she heard a noise yt occasioned her giving an alarm — it was moon light — she looked 3 times thro' the window but saw no one — but on looking again she saw the Pr coming out of the Store with a load yt of beef assisted by another person — knows the Pr well

She went down the front stairs after seeing the Pr go out the back & gave the alarm — Saw the Pr after he was arrested, he said he had been out that night to bring home some work he had done. —

She saw the ~~prisr~~ person who was with the Pr next morning in the street & recognized him —

Joseph Daniel — he is in the employ of Bassett the Contractor who had a store for his beef in the rear of Mrs Wrages house — there was a quantity of beef in that store it was in quarters — it might be more than 40 quarters — Bassett was absent — when he went away where he left the key at the house, & the night of the robbery the key was there — was told in the morning that the store had been broken open & beef stolen — We went there found the door laid to, but not locked — This was about 4 or 5 o'Clock — found the Pr at Mr Graham — the Pr described where the beef was, and went along with We to the South of the water works, the Pr went up stairs and there down a quarter shelf of beef and in another place in the same building the Pr took out 2 fore quarters of beef, making in all 4 quarters — weighing about 500 lbs & worth about 8 cts ℔ pound — From having handled the beef he thinks it was the same that belonged to Bassett — and from appearance the store, he thinks there might have been 2 or 3 quarters stolen

Fast & saw Pr — in the Kitchen, of Mr Graham

He

He cannot swear positively to the beef. it is possible it may belong to some other person, but believes it to belong to Wm Brisset —

Verdict. Guilty.

Monday 27th. February 1837

Present
Ch. Justice Reid
Mr Justice Pyke — a

The King
vs
Louis Arsiel
otherwise called
Louis Louisignan

} On Indictment for stealing a gelding —

Benjamin Durocher, lives on parish of St Antoine about the 10 of Nov. last he had a whitish coloured horse of the value of £12 — which he kept in his yard well fenced up — The horse was taken on the night time, the found one of the barriers of the fence open — In the morning the horse was missing, he made search as far as Boucherville — had him cried at the Church door — That some days after the horse returned to his place. A law suit came on the part of Mazzuret claiming the horse as his and letting the Wr — Up the horse was to come & assist in calling the man who exchanged him with him — The horse was shut on the Thursday returned home on the Sunday — Mazzuret lives at Vercheres about 3 leagues distance from residence of Wr — When Wr went to Mazzuret, he said he had the horse from the Pr who was then present — The Wr claimed the horse as his. Upon this the Pr was arrested & carried before the Magistrate, when

the

The Pr acknowledged having taken the horse –

Basile Margaret dit Lafleurre, lives at Verchères. The Pr seizes has exchanged a horse w[th] him – he came to work here about the 12 Nov[r] last with a white horse – he came in with two other persons – the two persons went in & the Pr remd – he said he was coming from Montreal – & said he had been drawing a load, had sold his Cart & harness & had only his horse & collar – The Pr asked him if he would not exchange his horse for a Calash – the W[s] went to look at the horse, it was not then day light – when light came the exchange was made – the Pr gave his horse w[th] the collars & a bottle to the for the Calash of the W[s] – The Pr staid a day after at house of the W[s] the day after he went away to one Berards & there as he understood sold the Calash for a Cart – Berard came for the Calash, when W[s] told him that if the horse of [illegible] he had got from Pr was stolen, he would have recourse of him Berard for the Calash – That having some suspicion of the Pr he got some assistance and went to Berard's where he arrested the Pr & brot. him to his the W[s] house – The horse in the mean time escaped from the possn of the W[s] – he had him tied at the Church door – & was informed that Durocher & Antoine had lost a horse & that on this he went to enquire if Durocher that the horse was his, & to come to him if Durocher claimed him – That Durocher came to the house of the W[s] with the same horse he got from the Pr – he claimed the horse as his property, and on this the Pr was carried before Mr Malhiot, the Magistrate, where the Pr acknowledged he had stolen the horse, and the Pr was committed to Gaol

&

Pr –

Cannot say whether the two men or he, the Pr brot the horses to his house, but the two men went away; the Pr remained & the horse, the Pr claimed the horse as his, and op charged him with the Wt –

The evidence for the prosecution was closed
The Prisoner called no witness –

Verdict – Guilty. –

The Shiriff
vs –
Francois Robillard } An Indictment for stealing a horse

Joseph Martin, lives at Mascouche de Page county of Terrebonne – he had a horse on the 6 Nov last his property of chessnut colour – value him 35 dollars – he kept the horse at pasture on a Common – a short distance from his house – In the evening he was told another person had been seen riding off w[ith] his horse – he went in pursuit – met Desjardins who went w[ith] Wt – Desjardins pursued as W was fatigued, – he came up as Desjardins stopped the Pr about a league & a half from this house – the Pr had the horse in his poss[n] – on the approach of the Pr jumped off the horse & escaped into the woods – the party gave directions to shoot the Pr in case he should be found – Heard that Pr had been arrested by one Mr Murray – Saw Pr after he was arrested, & recognized him immediately –

Pr –

Knows the Pr

Louis Desjardins, of the parish of Varennes sworn Says — his son Martin the last Wn was requested by him on the 8th Inst to ask him to go in pursuit of his horse — Wn was on horseback, he pursued Pr a canoe up the river at the distance of two 5 miles — knew Martin's horse — Did not know the Pr — but the man who had the horse — on coming up to Pr he told him he had stolen the horse, on this the Pr jumped from the horse & swam into the Creek — Martin came up and claimed the horse as his property & took him back with him —

In Br Murray — of Varennes — was told by one Guenet that the Pr had stolen Martin's horse — and requested of Wn if he met with the Pr to arrest him — Wn lives about 40 arps from Martin's — on Wn going out of his father's house, he met in with the Pr — he was going towards his own horse — he arrested him — & he was from thence conducted to Gaol —

Verdict — Not Guilty —

The King
Michel Lachapelle } On Indictment for sheep-stealing

Charles Lamoureux — lives at Boucherville. Is Pr who lives in parish of Varennes — Is one Jos. Brunette who lives also at Varennes — On 20th last went to Pr's house about 11 O'Clk in morng — That in the loft of the Pr's stable he saw 6 Sheep — four of them dead — Wn wanted to look at Pr's hay — here he observed the sheep

In

he asked why he kept his sheep there — he s^d it was such he had from one Bourjeau the d^ch[illegible] of Varennes & had put them there, as he was afraid they might escape the wolves — it was singular to put them there as he had better places for them else where — observed the sheep had diff^t marks — when one ment^d the P^r then s^d if you would not inform on me, I will tell you I stole these sheep, I am going to sell them to morrow at Boucherville and will give you half the money — The wolves frustrated P^r in his offer, & said them to whom the sheep belonged would be entitled to be paid for them — The wolves returned again tuesday with one Choquet to see the dead sheep in case he could know his marks — They went up to the hay loft where the P^r was looking at the dead of the sheep, but said it did not belong to him — That they then took all the sheep from the hay loft & put them into a house where those of the wolves were, and then Brunelle claimed two of the sheep as his property — & one Lo. Pilot claimed two others — the dead one was claimed by Lo Delaurier The P^r was afterwards arrested at Laprairie. —
The 2 sheep claimed by Brunelle were two of those P^r saw in the hay loft of the P^r

Joseph Brunelle, In Oct last lived in parish of Varennes — he had several sheep belonging to him — was informed that there were two of his sheep missing that had been stolen & were tied up at the P^r went there, he examined the marks,

on the Sheep & recognized them to be his property —
the sheep were then at the house of one Pre Lussier
and Pre C — was there who, ~~as well as the last witness~~
and it was upon this that on examining his sheep he
found two of them missing — he had 10 sheep — and then
was found part of that number — Values the sheep
at 4s Dollars —

That Bte Veronneau [xD] was the person who told him
he had two of his sheep killed up at Lussiers —
His sheep were in the habit of straying about at
that time as well as those of other people. —
That his bourgeois has also 10 sheep marked in the
same manner as his — it is not always easy to know
sheep by their marks — That one of the sheep belonged
to Mr & one to his bourgeois, but he all were under
his charge —

Mr. Mcdonell appeared for the Pre and
addressed the Jury in defence —

Jre Marie Morin, lives at Boucherville — he was the person
who brot up the Pr — he belongs to a good family
he always considered him as of good character —
he has not of a strong mind, but rather weak
of intellect, & not quite able to conduct his business
and the latter has been named as his agent —

[x] W. is married to the mother of the Pr

Martin Aubertin, lives at Boucherville, he Pr and

his

his family who are respectable - he lived about 18 years near Wm - and he never heard any thing of his character - Does not think him capable of conducting his affairs. -

It is 2 years since the Pr left Beauharnois & he has not seen him since. -

Alexis Fleury, of Beauharnois Ms Pr. for 5 or 6 Years. Knows his family who are respectable - Has heard it said the Pr was of weak mind - never heard any thing of his character. -

Verdict. Guilty of Petty Larceny to extent of 20s.

The King
vs
Elizabeth Mahan } On Indictment for Stealing privily from the Shop of William Roi & James Roi. -

William Roi, merchant in Montreal, carries on business wt his brother James Roi - has their shop on the place d'armes in this town - on the 12 Dec. last on coming in to their shop he saw the Pr in it - she was going out, he asked her, if he could serve her - she said she had been looking at some calicos, but found none to suit her - he suspected her - he asked the boy if he had seen her take any thing, he said he had not - he followed her into St James's Street - here she looked back & saw him when she went on faster, & was going into the Champ de Mars & went into Mrs Ross's door, & there she looked out & again saw the Wn. The Wn went up to her & she had been stealing out of

his

his shoulder & lifting up her cloak he observed she had a piece of lace & he took from her, she then went round to the ~~front door~~ gate way where he examined her further and found another piece of lace & he took from her The two pieces of lace now produced are those he found on her — There is a mark on the lace D marked by himself & he knows to be his own — they sell it at 1/8 ℔ Yd & there may be 40 yards of it — There is the mark of his brother on the other piece which he also knows — the selling price is 10d & there may be about 50 yards of it — he also found a pair of stockings in poss.n of the Pr. but does not know the mark on them — These he gave to Mr Bowrie at the time — The Pr. said there was a person in the shop who put these things into her hands

x2

Has seen the Pr. before in the Shop — has only one Clerk in the shop, one Baker — There were then other persons in the Store — did not know who they were — when he became back he enquired — was told there was a woman and a farmer from the Settlement in the Store — Before leaving his Store did not look at his box of edging — did not count his pieces of edging in the box that day, he knows he had sold none to the Pr. but could not say whether ~~any~~ another had sold her any — The Clerk told him that there had been women in the Store before Pr. came in —

George

George Deakes, is clerk in service of Wm & Lad Roi on the 12 Dec. last – saw Pr in their shop that day, she asked for thread lace – shewed her a box of lace – there were 2 or 3 packets of books on the counter at the time – she examined the lace – but purchased none – said it did not suit her, went to the door where Wm Roi was coming in – there were other persons in the shop at the time – there was another woman with her who asked for lace also – He had lace in the box such as that now shewn to him at the time – saw Mr Roi's mark on the 2 pieces now shewn – The Pr came several times up to the counter & asked the prices of the lace – There was another woman with Pr – who remained in the store after Mr Roi went after the Pr

×

The other woman opened the box of lace also – The Mrs Roi have sold lace for some time – The Pr appeared to go out of the shop rather in a hurry –
Has heard Mr Roi express his ~~suspicions~~ suspicions of the Pr before this –

Jos: Bourré, Attorney – his office is near Mr Ross's on the 12 Dec. last, he saw Wm Roi who told the Pr by the clock he made a sign to Wr & told him the Pr had stolen lace from him – & he saw him take out a piece of lace from under Cloak – They attempted to hold her but could not ~~Hold~~ then went into the porch of Mr Ross's house where she forgot another piece of lace and a bundle of books which he ~~thinks~~ knows to be the same now shewn from the marks he put on them at the time – She was carried

to

to the police office — when there she asked to speak to the Watch — she then told him that another woman who was in the store had given them to her — She afterwards said that she had taken the lace and stockings and was ready to pay for them, if the Roi would let her go —

X

When near to Mr Ross's, the Pr making some resistance he told her he was a special constable and had authority to take her to the Police office —
That Pr told her, if she would give up the name of the person from whom she got the lace & stockings she might be discharged, but she would not —

Benjn Delisle Watch constable, and the articles now produced were now produced —

Mr Ward for the Pris[r] — objected that there was no proof that the goods laid in the Indictment were the property of the Partnership —

Verdict. Guilty.

The King
John Caine } On Indictment for Petty Larceny —

Pierre Normandin, lives at Laprairie, on last Month he had erected a small hut on the line between Montreal & Laprairie — the Pr came there to warm himself on a Sunday the 5th inst. He left a another

man

man one Lafontaine were the only persons present — he asked for nothing — he remained there about two hours — while Pr was there a Sled arrived there, when Lafontaine went out, and the Ws followed leaving only the Ps in the Room — before the Pr came there that morning, the Ws had a bank note of 5 — there was a French Crown & a French ½ Crown — a 20 Cts — a 15 Cts & 7 Cts, & a Ws — all this was in the drawer of the Counter when Pr arrived — The American who had the Sled took a glass of brandy & went away — and the Pr went off about the same time — About ½ hour after he observed that the Pr was gone and his money also — he pursued after him & found him in a Cellar in St Anne's Market — asked the Pr if he had his money he replied, but answered nothing — the Ws laid hold of the Pr & drew him to a table to search him, found nothing in his pockets — while searching Mr Dubois came in. who s. they must search thoroughly — on this they drew off his boots & in one of the boots, he found a pocket book, and in it there was found, a bank note of one dollar such as he lost — a French Crown & ½ Crown, which corresponded with the part of the money he lost — This money was deposited in Mr. Dubois's hands — there was a mark on the bill by which he knows it — The Pr said nothing at the time —

Louis Lafontaine, was at the Cabaret of the late Ws on the 5th Feb when Pr came in. the Ws & Normandin were the only persons in the house — he sat down to warm himself — while there a Sled came to the door, and the Ws went

out

out to assist the people in the Plaintiff's Commander followed him — They were out a few minutes, when they returned into the hut — The Pr. went off nearly at the same time — Shortly after Normandin in looking into his drawer found his money had been taken & counted and several pieces he had, such as a fr. Crown & ½ Crown

Benj. Dubois Constable. He was in search of a person for theft — he saw the Pr. in St. Anne's Market, where the new Normandin was searching him — W. asked him what he was doing, he & he had lost his money and suspected the Pr. on pulling off from of the Pr. back they found a bank bill of £5 — a fr. Crown and ½ Crown — in a ~~purse~~ pocket book — The Pr. said he must be carry his money in his boots as well as another — The money now produced is the same found on the Pr.

Verdict. Guilty.

Tuesday 28th. February 1837.

Pres.
Ch. Justice Reid
Mr Justice Pyke.

The King
vs
Michel Lachapelle

On Indictment for Stealing two Sheep value 25/ the property of Jn Pst Choquet ~~Poquet~~

Charles

Charles Lamoureux lives at Boucherville – He P. who lives at Varennes – In October last W went to P.s house, found him there – W had some flax to beat out there – while there the P.s came to where he was at work – the W asked to see his hay they went to the hay loft, where W saw 5 or 6 sheep tied up there, one dead and 5 alive – asked him how he kept his sheep in that place, & he said there sheep the dog before from Monsieur de Varennes & had just them there in case they should escape from him – the W s.d it was somewhat extraordinary to put sheep in such a place – on examining the sheep, he found they had all different marks – when W told him he must tell him how it was he had them on this the P.s said if you will not inform of me I will tell you, it is sheep I have stolen, and I am going to sell them, and will give you part of the money – the W thanked him for his offer – told him to separate the sheep that were alive, as to the dead one he would inform himself as to the marks & the P.s should give the owner credit – That two of the sheep was claimed by Choquet two by Boucville – two by Louis Pelot – Was present when Choquet claimed one the sheep as his property –

x

Does not know the marks of Choquet – but he told Choquet of what he had seen, & Choquet gathered his sheep together found that one was missing – and he came & examined the sheep and found his mark on one of them – That the W left and another man took the sheep from the hay loft of the P.s – and took them to the house of the next door, the P.s let the sheep loose they were mixed with those of the Witness & those of his next door, P.s Lussier, when Choquet came and claimed his sheep by his marks –

Jos B.te Choquet, lives at Varennes, he had 18 sheep belonging to him in October last – on information that he rec.d from

Lamoureux

Lasnoureux that one of his Sheep was missing, that it was at Lussier's — on this he went to Lussier's the Witness found one of his Lussiers — on this he collected his Sheep & found there was one wanting — & it was this one he so found at Lussiers —

Mr M'donell addressed the Jury on behalf of the Pr — & called the foll: Witnesses

Jn. Marie Mosier, lives at Boucherville — heard the testimony of Lasnoureux yesterday who said that the Pr had purchased the Sheep from Arsenjeau — he is the person who brought up the Pr — he is sickly and of weak mind and unable to conduct his own affairs, and the witness is the person who used to manage them for him —

That the Witness is neither farmer nor habitant and has no settled place in the Parish —

Witness has married the mother of the Pr — The Pr has given a power of Atty to the Witness — does not think he can distinguish between good and evil —

Jn B.te Choquet, has known Pr. for 2 years — that the first time he saw the Pr he appeared to him to be a man of little mind, and he passes as a person of weak mind he belongs to an honest family —

Martin Auberlin, lives at Boucherville, has Pr — never knew any thing bad of him — he is a man of weak mind — it might be easy to master him & do any thing by threats or otherwise —

Alexis Fleury — same evidence — lives at Boucherville — knows that

that the Pr is a man of weak mind

Louis Pelot, lives at Varennes, near the Pr knows him for 10 years - he saw he was a man of weak mind he never ventured to have any dealings with him - it would not be difficult to advise him to any thing. -

Verdict. Not Guilty

The King
vs
Jn B. Renaud

On Indictment for stealing a harness, value one pound. -

Joseph Lesperance, lives in Montreal, next door to his brother, who lives on the Canal - heard that a harness had been stolen from his brother about the 26 January last. The same evening he went out w. one Lalonde who is his brothers servant, when they met with the Pr near the Grey nuns, on seeing the man the man said there's the man who I saw coming out of your brother's yard. the man had something carrying on his shoulder - they stopt, when the Pr took another direction, down on to the door of one Perry where he stopt the Pr asked him what he got the harness. Pr s. he had got it in the - Recollets Suburbs I was going to get it mended - Pr asked Lalonde if he had any mark on the harness - he s. there was a string tied to the back strap of the harness - he took the harness from the Pr and made Lalonde point out the above mark. ofn. he did - values the harness at 20s and that it belongs

belongs to his brother Henry Lesperance – is the same harness now produced –

X

Is certain that the Pr is the person ~~who~~ from whom he took the harness –

Joseph Laliberté – Was in the service of Henry Laliberté in January last, about 6 O'Clock in evg he saw the Pr in the Yard of Henry Lesperance, he was going out of the Yard, he had nothing w[ith] him that he saw did not observe at the time that a harness was missing On going out Jos. Lesperance towards St Denis market he saw down the Carriole, he observed the Pr who had a harness under his arm and told Jos. Lesp. that he had seen the same person going out of the Yard of Hy. Lesperance – The Pr was arrested and conducted to Mr Parrys, where Wm described the marks of the harness as being tied w[ith] a string on the back part, and that now shewn is the same that was found in the poss[n] of the Pr and belongs to Henry Lesperance – Jn[o] the harness, has handled it & used it frequently – That on return home he examined & found that this harness was missing –

Verdict. Guilty.

The King
v[s]
Etienne Beneche
otherwise called
Etienne Lavictoire

On Indictment for Highway Robbery –

Robert wood, is a surveyor of the Fire Insurance C[o] – he lived in Dorchester Street in St L

Sub

Inst. in the 16th inst. The Wit was out in company
with Wilson on the night of the 16th about 8 o'clk to
take a house, and took a 5 dollr bill in his pkt book
did not find the Landlord at home - walked up Bleury
Street till he returned - took off his gloves & put them in
the outside of his pocket ~~in his great coat~~ and to make room
for them took out the pkt book in wh the 5 Dollr. was
& put it into the breast pocket of his great coat, and buttoned
up his great Coat - The 5 dollr bill was of Montreal Bank
and is worth in town 5 Dollars - returned to house of Landlord
did not find him - then went on homewards - on the
way they spoke of the ferocious dogs that infested the
Streets & Wit observed that he usually carried a couple of
pistols on him for his defence - they were then nearly -
opposite the house of Wilson - Wit observed that the pr
of pistols had been loaded 2 or 3 months & was still concerned
they would still go fire - Wit did fire one of them in the
air - ~~Wilson~~ they then went on - Wilson having left him - Wit
heard footsteps behind him, & who was the house of one
Gauthier - did not turn round - but rec'd a violent
blow on the left temple, which staggered him & 4 or 5 others all with large sticks - was partially
stunned by the blows, but was sensible of what
was passing - Wit asked them the reason of such
violent Conduct, when one of them said, you have
thrown a stone and fired a pistol at us - Wit
denied it - & fell almost instantly - he felt the hand
of the Pr on his breast - and felt a tug - was not
aware at the time that his pkt book was taken -
they attempted to take his life - went into the house
of a Shoemaker - who told him, it was Lavictoire

who

who had done that — That he did not perceive his pocket book was taken until he got home — That he is positive it is the Pris.r who struck the first blow, and whose hand was upon the breast of the Witness —

It was a moon light night — That it was about 5 or 10 minutes after the pistol was fired, that he was attacked — at that time he saw no person in the Street — he discharged the pistol over the orchard of the General Hospital — There was a single ball in it. Did not recognize the Pr until he saw him next day at the Police office — he did not know him by his face but by his size, his dress, and his voice —

Could not see his face when he was over the Ws as he was on the contrary side of the Street at the time but he is sure he is the man —

Heard the Pr make some observation or comment before the Magistrate, but he cannot say what it was, as it was in French — & he does not understand the Pr. was dressed nearly as at present —

Thinks he has seen the Pr once before this happened —

He was 2 minutes in the hands of the Pr. after he was down — Rec.d a blow wt. a stick or foot on the head after he was down — Is positive that his pocket bk could not have fallen out of his pocket but that it must have been taken out — Saw the hand of no other person on his breast but that of the Pr

x D

Is Inspector since Feb. 1834 — The reason he went so late to look for a house, was he had not time in the day time — The reason he took a pistole wh. him was to defend himself by dogs —

It was about ½ past 9 o'Clock when he parted wt Wilson — While wt Wilson has Bleury Street he thought of dogs — Is certain he had a 5 Dollar bill in his pkt book & that it was in his pkt a few minutes before he left Mr Wilson —

The direction of the pistol when fired was not downwards but in a direction as directed to strike any house —

The person who came behind him did not summon him to give up his name, or give the reason why he fired a pistol — nothing was said before the blow was struck — The Rt hand of the Pr was on his breast when he was down — That evening he did not know the man who struck him — was told that evening who he was — that his sister kept a house of bad fame —

When in the police office, he recognized the Pr next day by his dress —

William Wilson. lives in Montreal, St Lawt W. was in company wt him on evening of 16 Feby last about 8 o'Clk — he came to the house of Wr they went together for the purpose of hiring a house from Kennedy in Bleury Street — did not find him at home — they took a walk, returned but did not find him in — They then went homewards between 9 & 10 o'Clock when they stopt, when they heard a report of dogs — last Wr Pr had carried pistols to defend himself — they then fired one of the pistols in the air towards an orchard — so as to touch no house or person — he and W. Wood a few minutes after this — saw no person in the Street — W. Wood went off running gently

and

and went into his house, on shutting his door he saw 4 or 5 men running towards him as they passed his house they made a knock at his door — the M[r] looked out towards the direction of Wood, and saw one of these men strike him, might be distant from M[r] about 15 yards — saw him stoop down & saw him rise — was afraid to go to his assistance as he was weakly —

The P[r] at the police office must say acknowledged having struck Wood last night, but with a stick cane — the P[r] charged the M[r] Wood w[th] using improper words — but this was not true —

It was a clear moon light, and he saw M[r] Woods knocked down —

It might be near ten o'clock when Wood fired one of his pistols — heard but one pistol fired —

William Williams, he was in M[r] Garthside's house on the 15 Feb[y] inst. about 3/4 after nine at night he shut up the door of the Store — he went in to the house & 5 minutes after heard a pistol fire, when he looked out again, and saw some men who said, they have shut the door, but if I can catch him I will teach him how to fire pistols at us again — Knew the P[r] who said so — Knew P[r] before this — heard his voice well — There were five of the persons w[th] him — Soon after he saw M[r] Woods in Marcreau's house the Shoemaker — in about 5 minutes after — all the persons w[th] the P[r] had sticks — M[r] Woods complained he had rec[d] a blow on the head — Woods stopt about

four

fired Pistols at Marcenan's — When he came
there the persons, Mr Wood was then in Marcenan's —

Heard Wood say at Marcenan's that he had fired
his pistol but it was not loaded with ball — that he had
fired in the air —

François Christian — Shoemaker in St L. Sub. on the 15 Feby
inst. he was at house of Marcenan about ½ past
nine in the ev. — he heard a pistol fired — he thought
nothing of it — about 8 or 10 minutes after saw a party of
5 or 6 persons pass, & heard some one say out, Murder — he
looked and saw the first Witness Woods lying on the ground
and saw the person whom he considered to be the prisoner
who was in the act of pulling away a stick from the
group of Woods, and heard the Pr say, let go my stick,
when Woods said. I will let it go if you will not
strike me again — he said he would not, and let it
go — he saw Woods a few minutes after at Marcenan
who appeared to have received a blow —

He knows the voice of Pr and thinks from that
he was the person who stood near Woods when the
above words were said —

Charles Mazenholder — was in company with other persons on the 15
Feby. Isaac Valentine & Christopher Seymour were not here
he was not with Woods — this was about ½ past nine near
Dorchester Street — heard a pistol fired — that nothing of it —
two of his party were singing — no body interrupted his
party — as he passed he saw Wilson & Woods standing
together at Wilson's door — saw Wood afterwards knocked
down — did not know by whom there were 5 or 6 persons
of the party — Woods cried out Murder — then was one
of the party over him, & another gave him a stick in the

head

head —

Saw the stick wch Woods was disarmed down, it was a large stick —

By the Court — says. that Woods back was turned to the people at the time —

Defence

Henry Stiles — That on the 15th inst. he was with one of his friends he passed by 2 persons who appeared to hold counsel when he soon after heard a pistol fired — on this the witness & his comrade, hastened his steps & went on, when he met the Pr who said that some person had thrown ice in his window, and as he suspected the persons who had fired — that on this the Pr went forward and thinks he heard him say, give me your pistol or I will take it from you — that he saw the Pr left his arm but saw no stick in his hand, when the person to whom he spoke fell —

Thinks he heard some one say, take care, it is dangerous, when the Pr lifted his hand & the other fell —

Did not see the Pr stoop down over the person who fell —

It is natural to enquire into the cause of firing pistols in the town at night — Does not think that Pr is a man to lay his hands on the property of another — That it is easy for an individual to have lost his pistol book instead of having been robbed —

That immediately after this the Pr came along with the witness & spent a part of the evening with him —

Does not think that Pr had time to have taken the pistol book from Woods —

2.

Did not see Woods fire the pistol — about a minute after

after he saw the Pr who complained that some persons had thrown sticks in his window, but said nothing about the pistol —

That there were about 40 persons there about ~~when~~ after the blow was given — but thinks ~~there were~~ that the Pr was the only person who was near ~~the Pr~~ Woods & that Johnny Poulain, was also near him —

~~thinks that~~ It is his opinion that the Pr did not take the pocket book from the person of Wood — as it would have taken more time to do it than appeared to have passed —

That Jos. Aussier was wt the Writs — but they retired when the difficulty happened —

That Woods fell down — does not whether it was by a blow of a cane or of the hand

Joseph Aussier, the night of the 15th he was in company wt the last Writs near Bevans he saw Wood & another man talking together — on the shot — they went towards the man shot, saw Pr & his brother, who complained that the rascals had thrown sticks at his windows, and he ~~went~~ ran on towards the place where Woods & the other man standing and he saw the Pr wt his hand on the person of Woods as if holding him & the other hand lifted up wt a stick in it — Woods fell down, but did not see a blow given, but heard some thing strike, as if a blow had been given — saw Woods get up & go away —

Never heard any thing said as to the honesty of the Pr and he was surprised when he heard he was accused of stealing the pocket book & does not think him capable of it

+

After the blow was given the Words was heard
he heard the word – Murder – Murder –
That on that occasion the Pr did not complain
of any one had fired a pistol – but only that they had
thrown icicles at his window –

Louise Vizé – That about on the night of 15 inst. she heard
some one either throw a glaçon at the door or fire a
pistol, so as to alarm the persons in the house – she
went to the door, when she heard a pistol fired – she
told the Pr of it, when he set off to pursue after these
persons – The Pr met with Mr Stites in the Street

Felicite Lavoie – That on the 15 Febr. she was in the same house
between 9 & 10 Clk – ev. the Pr she was at the door when
she heard two persons singing – they went in a room
after she heard a blow given on the door, cannot say whether
with a stick or any thing else – they also made a noise
at the door, she told the Pr of it – he went out after the
persons –

John Poulain – was on the 15th inst. in the Street at night. could
saw a man, & called to him is it you Monbleau – he did
not answer – he went on heard a pistol fired – he saw
the Pr who came up saying there are persons who are
firing pistols and throwing icicles at the doors, & pursued after them
we followed & saw Pr beg hold of the man – said to him
give me your pistol – as the man refused – on this Pr
gave him a blow – That WP heard a woman say – take
care he is going to fire – it was on this Pr gave the blow
the person cried out Murder, & laid hold of the stick.
The Pr said let go my stick – & all go away – Did

not

and saw the Pr take any pocket book from the man on the ground – does not know he did so – saw no pocket book with him after this was over –

X

That no person was with the Wits when the Pr came up – he said, that they had thrown circles & fired a pistol – cannot say where Stiles was at the time – he was not with Wr It was after he heard the person cry out Murder Murder, that Pr asked for his pistol & to seize his name – The Wr was near the Pr at the time –

Elvi Lavictoire – brother of Pr on the night of the 15 inst. he heard a pistol fired in the Street – saw his Pr go to see what it was – he came up to the person – and before giving any blows. Pr asked him to seize up his pistol & seize his name. he said no – and seemingly pushing his hands in his pocket – someone cried out – take care he is going to fire – on this the Pr gave him a blow – he pulled & cried out murder – Woods laid hold of the Cane, when Pr told him to let go the cane & he would not touch him – he let it go and the Pr went off – The Wits was close by the Pr at the time – and never saw him stoop down or take any thing from the person of Woods –

Michael Valentine – on night of 15 Febr. heard pistol fired – saw Wood in the Street – saw the Pr after this – has known Pr for some time – considers him an honest man –

X
Saw Pr give Woods a blow on head and hold him down afterwards –

Valentine

Antoine Bourdon – knows Lallie of the Pr

Alexis Garieppy – one of the Jurors – knows Pr for two years. thinks him an honest man –

Joseph Auger – knows Pr for a long time, never heard any thing said of his character as an honest man –

Pierre Fertè. knows Pr for 10 years – never heard any thing said that the Pr was a dishonest man –

Verdict. Not Guilty

Wednesday 1st March. 1837.

Prest
Ch. Justice Reid
Mr Justice Rolland

The King
vs
Robert Beatty
& William Laverton

On Indictment for a Highway Robbery –

Nicholas Spooner, lives in Montreal, is Sexton of Christ Church, has a son named William, aged about 13 years was at the National School on 6th Nov. last, left the School house about 5 o'clock & had a Lanthorn & lighted candle in it, he came from towards the Champ de Mars – on the Champs de Mars he saw two Soldiers, heard one of them say here's a light – that had not taken above one pace when the Pr came forward and struck him on the back of the ear & knocked him as he fell – the last rose & latter and holding up his Lanthorn & saw the face of the Pr Beatty – did not know the other Pr – Beatty knocked him down again – the last made an attempt to assist again, when the same Pr. knocked him down again & Pr fell on his face

and

and the Pr stroke over him — his great coat was buttoned on, the Pr put his hands across his body to feel if he had any thing in his pocket, & on this the other person called out to him — Come Beatty — when the Pr again gave the wit another blow — the Pr then went off — on his getting up, he called for his hat — that he was in danger of his life — he lost his hat from his head on the first blow being given him — values it at 10/ — he went to the Guard house, when the Adjutant called out the two prisoners — that the wit recognized the two Prs on their approach to him before they struck him, by means of his lanthorn — that on searching for his hat it could not be found — that on seeing the 2 prs at the guard house he recognized them immediately — he sent his boy home to get another lanthorn, as the one he had was all broken by the Prs — leaving for another lanthorn — he went to look for his hat — he found the bill of papers that he had in his hat, but the hat he could not find —

Thinks that when he was down, that the Pr was search about his person with intention to rob him —

x.

It was a dark night on b stow — it was on the ~~King's highway~~ Grange: he hears he met the Prs — {Here the Counsel objected to the sufficiency of the Indictment, as describing the place where the robbery was alledged to be committed as the King's highway — objection overruled. —

That the Pr who did not injure the wit — told the Case of the Pr Beatty — he had outside pockets in his coat. Pr did not put his hands in his pockets — but thinks he put his hand round his person to feel if he had any thing on his person —

When he got up, he searched for his hat, but did not find it — cannot say the Pr stole his hat, but understood that Prs had carried it off with him —

That he is positive the Pr Beatty is the man who knocked him down — rec. several blows about his head and neck — That when on his knees he felt up his lanthern & recognized the Pr Beatty —

That the Watchmen had rec. 15/ to make up the matter but on being told that the Prs would not consent to make up the matter, he returned the money —

William Spooner, is going 14 years of age, is Son of last Witness was wt his father at the National School on the 6th Novr. last, left at 8 is home about ½ past 8 — he was wt his father — had a lanthern — went across the Champs de Mars — met two Soldiers — saw the face of one of them, the face of the tallest (Beatty) — this one struck his father knock him down — & knocked his hat off — saw his father struck 4 or 5 times — he cried out Murder — The other man who was wt Beatty, called out to him — on this Beatty picked up his father's hat and ran off — his father told Wt to pick up his hat — Wt told him the Soldier had carried it off —

Pr

Wt cried out Murder when he saw his father knocked down — saw there was a Centinel there — did not complain to him — the lanthern was broken — Did not see the other man do any thing — when the first blow was struck he went on — and when the ~~first~~ 2d. blow was given, he must be a few yards off — When the matter was over, the other man was at some distance, & could see his what he did —

That Beatty had nothing on his head when he met the Pr's the other Pr had something on his head & the Watchmen was

Thomas

Thomas Beatty was adjutant 32d Regt on 6 Nov. last 2 Prs were reported as absent after tattoo — that complaint was made by Sprowle that he had been knocked down that night — that went to guard house wh Sprowle he not soone officially recognized Beatty — he was at first in doubt whether it was Beatty or the other, but at last charged Beatty — That none were absent of the Soldiers that night but Two men —

That Lawton was the first person Sprowle accused a few minutes after he charged the Prs Beatty — That then was a compromise made wh Sprowle on the principle that no robbery had been committed and Sprowle and he in company rec'd 15/ — that on the Prs refusing to acknowledge the charge made up then the warrant was ordained & put back —

Believes that believes that the charges do all arise as — appropriated to the use of the troops.

Has known the Pr Lawton for 11 years has known him to be a good Soldier & honest man. Has known Beatty for 5 years & considered him also as a very good man —

Mr Hart

Francis John Griffin, com. Gr. Company of 32d. Regt — has been about 11 years in Regt — Lawton has been all that time a Soldier in the Regt — he has been always consd a good man & a good Soldier — When any accusation is brot. agt the men of the Regt they are never backd — Has known Beatty

for

for 6 Years always enjoyed the character of an honest man & a good Soldier —
That on the month of Nov. last the Soldiers wore fur Caps —

William Garforth, Colour Serjt. in the 32d. Regt. the Prs belong to the Grenadier Co — does duty Pay Serjt. of that Co — The Prs are in the same room with the Wits — Has Recd. Lawton for well 9 Years Rec. for an honest & good Soldier — has Recd. Bounties for 14 Years & has been also for an honest & good Soldier —
That on the 6 Nov. last the Soldiers wore Grenadier Caps of 18 inches depth —
Pr was desired to pay over 15/ to Spooner to compromise this matter, & so the money — but next day the Prs said they would not consent to it as it was a false accusation —

Thomas Warren, He was a Serjt. in 32d. Regt — now Serjt. on Guard when 2 Prs were brot. in as being too tall to take on 6 Nov. the Soldiers wore their Grenadier Caps — was at Guard house when Spooner came there to recognize them — That on Spooner coming in Pte Reilly was brot. out first & Spooner seemed to take no notice of him — & when Lawton was sent out he pitched on him as the man — Does not think that Spooner spied deadly on either of these men that night — he returned right words) — W. was not present — Has known Prs for several years, never heard any thing as to their honesty

Verdict. Not Guilty as to both Prs — On the King

The King
~~John Liddle~~
John Liddel

On trial of Indictment for unlawfully breaking into a Mill with intent to steal

William Newton – is a Miller, was in the employ of Thos Crynan & Jn Logan in October last. They had a flour Mill in Dr. Dub – before this time there had been flour missing out of the Mill, for which he could not account – There are 8 windows on one side beside the door on the lower floor – there are also windows of glass in the upper floor – the proprietors wished that a watch should be put in the Mill – in consequence Thos Carr & Wm Hawkins & the wit. watched there on the night of the 29th Oct last – The door was left a little open so as to enable wt to see if any one approached the Mill – That one Liddel, the father of the Pr a baker, lives next the Mill – In the night time about one o'Clk he perceived a light through the fence, he after this saw a board removed & then another – then saw the Pr with a lighted candle in his hand come through the fence & came towards the Mill – here he gave notice to the other two men wt him what he had seen – & in a short time they heard the window shutter broken open, and immediately the Pr came into the Mill – he passed through the Mill into another room where there was a good deal of flour – he came back took down the key of the Mill door was hung up and opened the door in the Mill – while he was doing this the wit. & the other two men moved to the place where the door of which Pr stood – That Wm Carr spoke to Pr told him to stand or he was a dead man – the Pr exclaimed. the candle & went off by the way he came in passing through the same fence –

The

the Clerk followed Pr onto the yard, and when W & other men went round they could not find the Pr — They sent for Constables, and the Pr was found in bed — this was about ½ hour after he left the Mill —

Had known the Pr ~~x~~ for 2 years before — he had been several times in the Mill before to get flour & bran — never saw the Pr take any thing in the Mill

Thomas Carr Was in service of Company began in October last — they had a flour Mill on D L Lake — understood that flour had been robbed in the Mill at different times & they did not know by whom — he went w. one Newton on Tuesday to watch — he saw a person come into the Mill — heard some one forcing to come in, and saw Pr after he was in the Mill — he passed thro the Mill — went to the room where the flour was, took the key and opened the door — the W. thought he was going off again — told Pr to stand or he would fire on him — the Pr ran off & the W followed him — the Pr passed through the fence dividing the Mill from Liddel the father of the Pr — The W was present at the door when the Pr was arrested the same morning afterwards — To certain the Pr is the man he saw in the Mill — fence had been used to enter the

tenons staples had been drawn out of the wood of the window shutter, and there was nothing to have prevented the Pr from stealing flour after he had got into the Mill in the way he did —

Defence

Defence

William Liddel — Mc Clintock, is in the employ of Liddel for 20 years last — on the eve of 29 oct last he was at Mr Liddels — he went to bed at 9 o'Clk — the Pr was in bed ½ an hour before W went to bed — slept in the same room wd Pr — The W. got up in the morning when the man came to knock at the door Mr Liddle announced himself as Ass't Constable & the door was opened — W did not hear P get out of bed or go out in course of the night — & the room appeared to be in the same state as when he went to bed —

Never knew any thing of the Pr of dishonest since he was a Child — he carried on business with his father —

Before this he never saw flour brot into Liddels' bakehouse in a clandestine manner — door was the freemans the bake house —

James Liddel — is father of the Pr — on the 29 oct last the Pr went to bed, early and slept with two other young boys — W saw him bed when W went to bed about 9 o'Clk — heard nothing till about 2 or 3 o'Clk in the morng, when Car & the Constable came to the door and wanted to get in — heard voice of one Vaughan to give the award some money to him that it was not a time to call for his money but that he wd pay it on Monday — on this Mr Liddle the Constable called to open the door of the dwe — Liddle asked for the Pr and made enquiry for him — The Pr has been in partnership with W. for about four years —

William Wilson — Has known Pr for 3 years — he is a man of honest and industrious habits —

Adjd

Alexander Winchester – Ks Pr for 3 years – bears a good character to him –

John Deagen Has known Pr for 2 a 3 years – good character

Verdict. Guilty

The King
v.
Joseph Dolleur

On Indictment for Burglary –
The Pr was indicted with four other persons for a burglary, and demanded to sever in his trial which was granted. –

Rice Sharpley, he depos. that he kept a fancy Store in Notre Dame Street in Montreal – he had a show window in that Shop, the only window in the Shop – he sleeps & lives in the house w his family – went to bed that night between 10 & 11 o'Clk – he was certain that the doors & window was closed before he went to bed – there is a wooden Shutter to the window & was fastened – & the entry door was closed by an iron bar – early in the morning some persons knocked at his door, he went out & found that the window Shutter was taken away & two panes of glass broken and nearly all the effects in the window were taken away – That all the effects stated in the Indictment stated in the Indictment, and of the value then stated were in the window that night, and were all carried away – those articles were his property except the billiard balls & he had to sell on Commission – That the night of the 10th dep. when he went to bed, the pane of glass in the show window was entire, & all the articles stolen must have been taken through those broken panes –

Charles

Charles Ancellette, an accomplice of Pr On 20th Sept. last he
was in Moorfields, he met the Pr & som of the persons
then were in all 5 persons — Know the Pr before this —
the Pr came to him wt a knife in his hand — at Newmarket
he asked Wm to go to a certain place wt him, at a house in
Poole Town about a few houses further off than Mr Swords
the Pr did not say for what purpose, it was then about
midnight or one o'Clock in the morng — when they the Wt took
down the window shutter, & the Pr broke a pane of glass,
and he put in his hand and took out the effects in the
inside, and then were among them articles he knows out
were such as those mentioned in the Indictment — after
this they went to one Carmichael's in Pickle's lane,
where the Pr & the others stopt some time — they then went &
slept in a hay loft of one Loveridge — in the morng they
went to the water side — they made a division of the
effects, and they separated — The Wt sold his share
of the effects to one Mr Donell — it was pocket books, combs
& thimbles — also to Mad.e Barbier he sold a purse, and
a couple of bottles — all these were of the effects taken from
the shop in question — the articles now shewn are those
he sold to Mr. M.c donell — and the effects now shewn are
those he sold to Mad.e Barbier — Knew afterwards
that the place where the effects were stolen was in the
shop of Pr Prosecutrix Sharpley —

Read Wt broke one of the Panes of glass and took out
part of the effects —

Benjamin Delisle — high Constable — saw Pr after he was arrested
& charged wt stealing at Sharpleys — he told Wt that he

wd

would shew him some of the effects that were stolen & would take him to the house where they were — he went to the Work to the house of one Turner in the St Anne. Suburbs where he found a basket, combs, pocketbooks — soap — purse, a reticule — they were in a valise — the Ors Br he had deposited these articles there himself — he said that a purse was wanting — and that all these articles were taken at Sharpleys — He has kept all these effects in his possn ever since, —
This declaration was ~~taken~~ given voluntarily by the Or —

Rice Sharpley boat use, and having examined the effects now produced, ~~to him~~ by Mr Turner says he recognizes the marks of the purse put on them by himself — 38 pkt books — some of the articles he cannot identify otherwise than by saying that he had similar articles in his wardrobe that might and he believes these to belong to him — and values them at five pounds —

Having examd the effects sold to Mr Donald recognizes some of them as having his mark upon them & the others are similar to those he had, and he believes them to be his property —

There are also marks upon some of the articles that were found at Made Bankers —

There is one wide shoves backwards & forwards which can be done with breaking any part of it — The inner windows is no protection whatever to the house and in the day time ~~the inner window~~ is frequently left open —

X

That there was no person who apprehend to have broken into the house — That there is an inside window. but thinks it was not open but might —

George McDonald on 26th Sept. last he lived on D. St — he purchased from the Wd Ouellette several articles same now produced, as far as he believes — he was above when he bought them to the Constables —

Joselte McFarlane sworn. de Sworn Barbier — That about the 11th or 12 Sept. last she purchased several articles from the Wife Ouellette — the same now shewn — these things she purchased by Mr Delisle's permission & gave him notice of it immediately —

Evidence for Crown was closed

Defence

Charles Ouellette brot up again —

Verdict — Guilty —

The King
v
James Gordon
Margaret Burns
Eliza Thompson

} On Indictment for Burglary —

Rice Shapley, lives in Notre Dame Street in Montreal, has only one window & a Street door the outer window is a glass window, & the only protection to the house as the inner window is made to shove backwards & forwards & is often left open — he & his family live in that house — he shut up his shop & Street door on the night of the 10th & was woke upon the morning by some persons

who

who knocked at his door about 4 O'Clock in the morning when he went out he found the window shutter taken off, two panes in the window broken, and the greater part of the articles between the windows carried away these articles consisted of the articles stated in the Indictment which were of the value there stated — It was easy for a person to have taken these articles through the ~~window~~ the broken panes —

Charles Duellette, a complain — on the evening of the 10th. of Sept. last he was in company with the Ps ~~on the~~ to Gordon ~~on Market~~ the New Market — the Ps, one Jos. Dollar & two others were there — Jos. Dollar came up to him wt a knife in his hand saying that they had stolen his hat — Dollar proposed to go & make a row he went along, and wt took off the window shutter Dollar broke one of the panes, wt the knife — the Ws took the knife, & broke another pane of glass — they then passed their hands thro' the window & took the goods they found there — the Ps Gordon were there & took out part of the goods — the goods taken were such as those mentioned in the Indictment — they then went into D. Arbuckle's & afterwards went into a hay loft where they passed the night — they then went to the water side where they made a division of the effects, the print the boots &c he sold to one M. Donell — the articles he sold to Wm McDonell were similar to those now shewn down taken at Sharpleys — he sold the rest to Mrs Barber the first book he spoke wt her son — he knows nothing about the two female prisoners —

Is a day labourer — Knows P. Gordon for 2 years — P. Gordon was ~~not~~ arrested after the P. The W. has been accused of other facts before the present — has been at Three Rivers — knows the Gaoler there — He has been ~~declared~~ promised to be released, in case he told the truth he should be discharged — This was promised to him to day — That Mr Debartzch asked him some time ago that in case he told him the whole truth there would be nothing done to him —

On the proposition made to the Wit. by Mr Dorion & the others, he consented to go along with them but not voluntarily —

George McDonell, lives in the Quebec Suburbs about the 11 or 12 Sept last he purchased the several articles now produced from the Wm Ouellette —

Josette McFarlane, says. That she knows Ouellette & that on the 12 Sept she purchased the several articles now produced, from him —

Rice Sharpley — recognizes among the articles now produced & purchased by Mr Donell, to be his property from the marks upon them, and from the similarity to the articles he lost — Says. That same thing as to the articles purchased by the witness McFarlane —

Knows his own articles from his private marks on them

Benjn Debartzch Chief Constable — he rec'd the articles now shown from

Ba Witness McDonell, and McFarlane, and has kept them in his possession ever since —

Mr Hart for Pr

A. Morrow Clerk, is clerk of the Crown, has the Registers of this Court — on the 10 March 1836 the Pr Gordon was convicted of an offence & condemned to an Imprisn. of 6 months, wh would extend to the 10 Sept 1836 when his 6 months would be completed —

Genevieve Nadeau — That last fall the Pr slept at her house, saying he was come out of prison and had been discharged — he slept there that night, and went away next morning about 5 o'Clk — has not seen him since —

She did not enquire what day the Pr had come out of Prison —

The Jury retired to consider of their Verdict, and it being near Six O'Clock in the evening, the Court sent to enquire if the Jury had agreed in their Verdict, as the Court was about to adjourn till to morrow, and the Jury having returned into Court and being called over say that they are not agreed — whereupon they were sworn not to communicate with any person during the night and until they had agreed in their verdict, and Constables were then sworn to keep the Jury during the night —

Thursday

Thursday 2d March 1837

Brst
Ch. Justice Reid
Mr Justice Rolland

The King
v
James Gordon
Margaret Burns
Eliza Thompson

The Jury in this case having been returned into Court and called over, say, that they find the Prisoner James Gordon, Guilty, as laid in the Indictment, and the Prisoners Margaret Burns and Eliza Thompson, Not Guilty.—

The King
vs
John Flynn.

On Indictment for Robbery.—

Anne McDonald has resided during two winters in Montreal, Pris Pr was in his service the beg[g] of last month remaind a 14[t]— She had belonging to her at the time Eleven dollars in notes & money besides a farthing— She had one five dollar bill, and 4 ~~two~~ ~~dollars~~ bills ~~& dollars dollars~~, some coppers, of the Pr she carried in her pocket— Pris was in the Kitchen, when the Pr being in liquor, passed by her, thinks he was ~~not~~ in a situation to know he was not doing right— he laid hold of her pocket and pulled it off— he asked her what she had there, saying it must be something of his— he took the pocket with all the money she had being the above bills & silver— She never got back her money— The Pr afterwards went up Stairs— She followed him & asked him for her money he refused, & struck her— she left his service next morning— That before taking the pocket

from

her the Pr gave her the bkf from her neck, and gave her a blow on the side of the head, and Wm was afraid — the Pr said that the money belonged to him and that she had taken it out of his till —

£ —

This between 7 & 8 o'Clock at night — she dined at home & had drank only water after her dinner. — She drinks tea at times — bought no tea that day — She had nothing but her money in her pocket that she knew of — Knows Mooney the shoemaker — Knows Mr Downie was there that night when she lost her money — That the blow she rec'd on the head & the tears of her bkf was after the Pr had taken the money — That the Witness was arrested & put in Gaol by the Pr

That she rec'd a 5 dollar bill from Mr Ford when she left his service. —

By Mr Gn'l —

That she has been kept in Gaol till now — That she had applied to Mr Delisle for a warrant before she was arrested by Pr —

A. M. Delisle — Clerk of the Peace. That in the early part of last month the Wm McDonald came to his office to make complaint agt the Pr — nearly the same as what she now has stated — Wm sent to inform the Pr — the Pr came & then lodged his complaint agt the Wm for having stolen some tea and to/g in coppers from him — both complaints were prosecuted — the Pr gave bail & the Witness was that a bill of Indictment was presented at the instance of the Pr agt the witness for petty larceny, which was ignored by the Grand Jury — the name of the Pr is on the back of that bill —

Mr

Mr Hart addressed the Court and Jury on behalf of the Prosecution, and called the following witnesses.—

Eliza Ward, was living at Pr when this affair happened— that about evend. the Pr had gone out, when he came back. the Wr. McD— was much intoxicated— she went twice to milk the Cow after having milked her the same night— that when she came in the third time her petticoat fell off. & some one helped her off with it— she kept close to the wall— saw Pr take the fobb from McD— the Wr saw nothing in it but some coppers & some tea— did not see Pr beat her— Mrs Boyce & Mrs Downie were present at the time— and one Michael Mooney also came in—

Cannot say at what hour in the evening— about 8 or 9 she thinks— it was about 3 weeks ago— Wr was in the kitchen at the time—

That Mrs Flynn asked Wr to look what was in the pocket of the Wr McD— she refused and on this the Pr laid hold of it—

Catherine Teagen— was at Pr the same evend— saw McD— she was in liquor, unfit to do any thing— she went out three times to milk the Cow after she had milked her— heard her give a kick to the Cow to give her meat— saw the petticoat of Wr which had fallen off & was picked up by Mrs Downie, her pocket was then exposed,— was not there when Pr & his wife came in— heard the noise— saw Pr take out some tea from the pocket & some coppers— That Mrs Flynn asked Pr to look into the pocket of McD— she refused— but on this Pr laid hold of the fobb & pulled it off— he observed what was in it there was only some tea and some coppers— saw bottle produced— Pr. showed what was in the pocket.—

The Jury without retiring from the box acquitted the Pr—

The King
vs
James O'Dogherty
Thomas Montgomery

} On Indictment for Grand Larceny—

John Maxwell, on the 19 Inst. last he lived in St Jos. Suburbs of Montreal — there was a Stable in his yard — on the morn of 20th Inst he perceived that 9 hens & a cock had been stolen out the night before valued them at 20/— There was a Counterpane hung on a line in the yard worth 5/— two bags worth 2/ and a Shirt valued 1/— and a wood saw value 5/— all of which belonged to him, — He found head where 6 of his fowls, the 2 bags, the saw & Counterpane were sold to Hodges — saw these things at the Police office The saw now produced is his property — The bag now 5/
produced is also his — the other bag was also in his yard 2/
but does not belong to him, but was in his possession —
The Counterpane now produced is also his property 5/

John Fitzgerald, one of the accomplices & charged with the Indictment was in company with the Pris on the 19th Inst — last, at a house on the Recollets Suburbs That the Pris Montgomery & he went out to the house of Jacob Wise to get hay for his horse — It was about 2 o'Clock in morning — they came back — and observed a Pr kine with the two Pris They broke three pad locks — went into place where they seized the wood — found the saw — a hen — a Counterpane & 2 bucks — Dogerty & Wise went back again with a bag — and in the Stable they found fowls and nearly filled the bag — They then went home, two women plucked the fowls — then O Dogerty &

Wise

Wm carried 6 Irons to Hodges — Counterpane, the two bags, the shirt, and saw — they sold to Hodges — the articles now shewn he believes to be those they so sold

x^d.

Cannot tell what night it was — he came from Ireland to this Country — Never said he wd take a false oath to help a friend out of trouble —

John Hodges. lives on Pr a Calliere — Went about the end of Janry last, the 20th the Last Wr and Pr O Dogherty came to his house in the morng — they brot 6 Irons a saw, a Counterpane, and two bags — The same articles now produced — Wm Wr purchased, except the bags — there were 6 Irons, shackles — gave 7/6 for the 6 Irons, & the saw articles — These articles were afterwards taken by the Police — It was about 9 o'clock in the morng —

x^d.

That some days before the Pr O Dogherty being in the house of Wr Wm of any thing of bad clothing to sell cheap, he wished to buy some — That Pr came in & told him that Pr Fitzgerald had some articles of the Navd — That Wr Pr he did not want to meddle the articles, as he was short of money — but on ant of the price he was induced to buy them — Pd. for bottle of Spirits & gave an order on Wm Hodges for 2/10 —

Never heard any thing said about the name of the Pr Montgomery —

The Pr O Dogherty addressed the Jury in the French Language, and called the following Witnesses —

Sophie

Sophie Lefrenere - Was living at Montgomerys when Pris were
arrested in - lived before this 15 days Thro - has no
knw that either of Prs slept out a night out of the
house at night - has no kn. of having seen any of
the articles in question at Montgomerys - Recn. to have
seen Fitzgerald one morng - early - The last D. he was
sick & she could not see him - he persisted on this the
Pr. got up - went out wd Fitz - dont think have been
absent about ½ an hour - on his return she asked
him where he had been, the P. he had been wd Fitz
at Hodges, & had sold articles for 7/6 ½ were
worth 4 dollars - Kn. that Pr had no money at
the time -

Sr -

Is not married - lives in the same house wh Pr -
but not with him -
Called back by Pr - says that in a conversation that
she had between Fitz & the Pr Montgomery and
his wife - that Fitz said he wd thank nothing of
swearing falsely to get a man out of trouble, or to get
himself out of trouble -

Jane Montgomery - is wife of the Pr Montgomery -

Verdict - Find Prs guilty of stealing to the
value of 20s. -

The King
vs
James O'Dogherty } On Indictment for ~~Petty~~ Burglary
~~Thomas Montgomery~~

John

John Nicholson, lived in the St Antonin Suburbs on January last – he was absent from home about 6 or 7 weeks ago – he usually keeps his cellar locked he had two keys to his cellar – one he put in his drawer & the other he carried in his pocket – that one Wm Ashton came to the house of wr & he left him about a month for charity – told him he must find another place for himself – that Ashton left him – he missed the key of the cellar he kept in his chest – on Thursday week – he shut the cellar door and fastened the kitchen door wt a strong – he came to town – he had 18 hams & 2 cheeks he had in his chest money – a 4f Sovereign – & different kinds of money gr belonged to him – values the hams at 10/ each and the pigs cheeks at 5/ – he had a watch also of value of 30/ – It was about 5 in afternoon – that the room occupies the lower part of the house & cellar – he slept in the house – that he returned on the Friday morng about 8 o'clk – found the kitchen door had been opened – he saw a quantity of salt scattered on the kitchen floor, and the cellar door unlocked – the padlock had been opened – the lock was not broken – on exam. he found 13 hams & two cheeks missing – the hams had been in the salt that was scattered about the kitchen – In an hour after, he went to his chest & was in his bed room, and found it locked, as well as his lodging room – the key of the cellar door opened the lodging room door – the key of the chest never had been found in the place he usually left it – this Ashton knows – found his watch gone, a pound of Silver in a bag & some coppers – that he suspected Wm Ashton & wanted to get a warrant

warrant against him — he never found any of his property that was stolen. —

John Fitzgerald, Knows the Pr for about 3 years knew one Wm Ashton — one John Leonard Smith — About the 11th Inst Ashton came & asked him to go & get some hams at an Englishmans, that he had been at work there, and had the key and knew how to get them — The Wn refused to go — Ashton & the Englishman lived in Sd. Inst — Wn Pr & Ashton & Smith went they were absent about 3 hours — & saw Pr come out wt a ham under his arm — they said they had each a ham & had sold to sell — That they had been at Mr Hodges to sell them, but he refused to buy them but that the Pr had left a Check on Mr Hodges for Rum — Ashton said that he had assisted the Engsman to take the keys — he saw only one wt Pr but that Ashton had a bag in wh he Sd there were hams & wanted Pr to go & sell them but he refused —

Wn was then living at Montgomeries' — & the Pr also — the party set out from a Mrs Warren to go for the hams —

X.d

The ham the Pr had wt him was cut up and they eat a part of it — That the Pr said he had got liquor from Hodges the week before, & he was heavy in the morning, when Ashton came wt the hams to Pr to sell them, and refused to go —

That Wn gave the information he knew of this matter above a month ago. —

That the Pr said he had had the hardest part

of

of the job, as he had stood in the cellar and handed up the hams, which they took away - That the Pr. said they had brot. the hams to a Shoemakers at night & the next morning the other individual had come and carried the whole away & took away his share, for which he was very angry & swore to be revenged - never saw the Pr. have any of the money that was stolen -

James Quin - is an Wm Hodges service, who lives in St. Jos. Isle and keeps a grocery - as his clerk - That on the night of 11 Jany some one knocked at the door, it was at night & the people were in bed - W. got up opened the door, the Pr. came in, he said there was a man out side the door who had hams to sell & wanted to know if Mr Hodges wd. buy them - Mr Hodges replied on this Pr. sd he had no money, but wd. have a check for it - W gave Pr the same - he never came back for the check - there were others outside the door, who sd. to Pr. to come away -

That the person who was wt. the Pr. seemed displeased that he had brt. him there -

By Jury - That he saw the Pr. bring in about a dozen hams -

Wm Hodges - keeps a grocery store in Rue Isle - That in the night of the 11 Inst. some persons knocked at his door for some time - W called up the last W. & told him to get up & light a candle & see who it is - there may be some person sick - he got up & opened the door - when 2 men came in - did not see Pr. but heard his voice

9th

qh he knows — asked if W was in bed. boy s^d he was — asked the P^r spoke in French thro' a window to W saying there was a man who had some hams & w^d sell them all at 8 sols — W s^d he did not want them — P^r s^d the man sold them because he wanted money — Will not swear positively that the P^r was the man who spoke to him, but believes it —

That he saw P^r afterwards at his house, but never heard him speak about hams —
That he heard another man call out to P^r roughly to come away —
Saw the cheek qh his boy told him the P^r left them for some rum —

James Keogh on the 12^th Inst. last he lived on Rue. Sub. he met the P^r in M^cGill Street & offered him a piece of ham for sale qh appd fresh cut, saying he had used a part of it himself — W. bot. it for four shillings. — This was about 11 o'Clock forenoon —

The ham so offered to W had never been in salt it was quite fresh —

Fitzgerald called up again at instance of one of the Jurymen says that the ham the P^r had cut up when W. him was salt — is the same the P^r sold to Keogh —

Defence

Sophie Labreche — That in a conversation the W. Fitzgerald had w^th Montgomery this wife, he s^d he would thank no harm

to take a false oath to screw his friend in case he were in difficulty —

Says she has lived about 7 months at different times with the Pr

Verdict. Not Guilty. —

Friday 3d March 1837

Pres.
Ch. Justice Read
Mr Justice Pyke
Mr Justice Rolland

The King
John Burke } On Indictment for Murder. —

Catherine Davis, wife of Pr Caouette, the Pr for about 8 or 9 years — knew the D— his wife — That in October last she lived in same house w. Pr this corpse at foot of Convent — Pr and Mrs Hall occupied one end of lower part, & the Pr & his wife the other part — The Ws lived in the upper part — Ws had been in the house only a fortnt before the accident — That previous on the day of the accident, she did not hear much noise — she heard Pr call the D— in French a bitch & saw. & told called her to get up, get up — Striking his foot on the floor — She heard the D. call out two or 3 times — O Dear John — O Dear John — after this the Ws went down stairs and went into Pr's room — she saw the D. was laying with her head near the door — the Pr was sitting close by her very quietly with his hands folded — the D. had her clothes up

and

and on this the Wife told the Pr it was a shame for him to leave his wife in that state, the Pr told her it was none of her business — on this the Wr returned to her room the Wife observed a appearance of a blow over the right eye, but cannot say when she got the blow — D appeared to be senseless, but Wr cannot say whether she was or was not — it might then be about 1 o'clk —

That about 5 o'clk on wd day Pr sent for Wr when she went in the Pr told her that she was dead and she was dead —

X

The D. was given to liquor & was drunk that morning she went out last evening — The Pr ~~Horace Hunt~~ worked at the Ship yard — there are stairs in the house, but no gallery — There is a bank near Pr. house —

The words used by D — appeared to come from a person recovering, hurdy — & lamenting —

When the Wr went down on the afternoon she found ~~him~~ the D. was on the bed cot — per cloaths on. The Pr seemed to lament the death of his wife —

She did not ask the Pr how the death happened — the Pr appeared then a little in liquor. Saw the D — go out on the morning she then appeared in good health —

Marie Paris sister of last witness — That in ~~Oct~~ last she went to see her sister, and saw the D. on the ground when the Pr wanted her to rise — Wr arrived after her sister had gone down stairs — saw D on the floor near the stove — she appd senseless — observed no marks of violence on her — The Pr was near D — who wanted D to get up — saying Mary get up —

The Pr pushed the D. w. his foot, saying Mary get up —

turn

Anne Bromley, wife of William Hall — She lived with her family on the Pres house in October last — She & her husband occupied one side of the house & the Pr the other — about the 9th Oct. the day the D. died, there 2 partitions between her bed room & that of Pr — but a single board from saw D. the morning the 9th she died, she was in house of Wm about 9 Oclk in morng — She was then in good health — She remained about 20 minutes & then returned to her own house — soon after breakfast heard D cough she opening door and going about her the course of the morning — Saw D. sitting on the steps of back door of her house very much in disposed — Wm went to see when she had gone, did not see her, she must have gone into the house — heard Pr speak to D, angry Mary get up — where have you got the liquor — heard after this a shoving up the bedstead some one stamping on the floor — after all was quiet she went in to Pres & saw D. lying on the floor she appeared insensible — Wm asked of D — if she knew her — she talked something but Wm could not understand what she said — asked Pr if he wd help her to put D on the bed, he & she would & did — they put her on the bed — Cannot say whether she was senseless or not, she left the house — That Wm did not return until about 8 Oclock when she was called by the other Wm — when D. was dead — the Pr — was there would not believe she was dead, but was only fainted —

lived in the same house Wm Pr — over 13 yrs last — That between the time the Wm saw D. sitting at the back door when she saw her afterwards on the floor was between two & three hours — She only heard the D. cry out one Oh! Lohor — Thinks she would have heard the cries of the D. had she cried out, without being able to distinguish

what

what she said — That she heard as if a person had stirred a fallen apt. the partition, and heard a foot on the floor. That it might have happened by Pr endeavouring to help up his wife and had been unable to do it —

He and Pr, when she went in the first time, told D. to get up and prepare his dinner — Seeing D. unable to do it Mrs W. offered him his services &c. he declined — The D. had not changed her appearance as far as she observed she could not say ~~what~~ what occasioned the state in &c the Pr was, whether from the effects of liquor, or from having got a whipping or from both —

When Pr was apprized that the D was dead

James Robb was sent for to go Pr home on the evening of ~~Feb~~ last, to take measure of D for a coffin, it was about 7 o part P — ~~met Mrs Hall~~ a person ~~[illegible]~~ saw Pr — Mrs Hall went in with Pr — he took the measure of D — he observed on the left leg from the knee downwards the skin ruffled, and broken — a little scratch about the eye — saw the body afterwards when the body was dissected — he saw a side of the D. broken observed a contusion on one of her sides — Spoke to Pr as to the state in ~~[illegible]~~ the D was — he came with Pr to Pr. and said how what have you been about; that Pr &c. he had done what he might not to have to have done, and I have badly used her to day — That Pr appeared to be ~~somewhat~~ in liquor. —

X

The Pr never said that he had kicked, or struck his wife that day, and his words might have arisen from

a

a agret that he had not had all the care he might have had of his wife, from the circumstances that she was - that he did not explain to Dr the state in which the D- was - The bruises on the leg, he saw might arise from a fall on a stone -

He saw a scratch over the eye, which might arise from a slight blow -

Dr Wm Belsin, a Physician Surgeon duly licensed in this Province since 1826 - was called upon by the Coroner on Oct last to ex. the D- he knew D- and knew D- they lived together as man & wife - he saw the D- whom he recognized to be the wife of D-

Upon a superficial ex. of body - he saw several contusions on the head of face - that it was necessary to ex. the body - he stripped the body - on passing his hand on the back he perceived a fold as if skin was contained under the skin - & made him suspect that a rib had been broken - he laid down on the floor & found that a rib was broken - he then turned the body over to open the cavities - he here perceived that there was dark cold blood covered the intestines - he then searched to see from whence the blood came - found there had been a rent in the right lob of the liver about 3 inches long but its whole depth - the coverings of the liver that adheres to the body was torn - he was then satisfied that this blood came this breach in the liver - he afterwards opened the chest, & found that on the left side of the body he found 8 ribs broken - out of 12 - 22. 23 - several of these ribs had penetrated the pleura which

covers

the chest, and several that had punctured the pleura, that covered the lungs - or that air could thereby escape into the body.

This mass of injury made recovery hopeless. She might have died immediately, but in any case could not have lived many hours after receiving such injury - & there is no doubt

That the injury might have been produced by a person with a strong arm or kick of the person of D. lying on the floor, - above all from a strong person - and the D. was a person of rather a large form -

No person could have recovered under such a mass of injury -

Does not think that the D. could have received so many acts of violence by a fall - nor does he think that the rent in the liver could have been effected by a fall - she might by a fall have broken a rib or two - but could not have rent the liver in the way it was by a fall -

Found, a great many contusions on the body - some of the were in the neighbourhood of the injury he does describe -

He has no doubt but that D. came to her death by external violence done to her person, & no medical aid could have saved her -

X^e^

Does not think that in removing the body the rent could have been effected in the liver, but

had

head she rec'd a kick or a blow in falling — that in falling, cause thing such as a corner of a chair it might possibly tear the liver — without breaking the skin — that if the liver had been torn after death there would have been a less profusion of blood than there appeared —

Blow before death produces coagulated blood in a greater quantity than when given after death — here there were coagulated blood —

The liver was torn on the opposite side from that on wh the blow was given — and a person falling from a great height might possibly by falling on something pointed, occasion the tearing the liver —

It is the thinnest part of the liver wh was broken wh is principally on the right side —

The ligaments of the liver were torn, as well as the liver torn —

does not think that a person falling on the floor might occasion so great an injury —

That a person having all the ribs on one side broken might survive a good many days.

Considers the internal effusion of blood in the belly from the liver was the immediate cause of the death of D—

Cannot mention when all the contusions were placed or whether near the place where the liver was torn —

The 1st 2d 3d & 8th ribs were not broken — The 4th 5th 6th 7th were broken — There was one of the ribs displaced from the spine —

Respondents

When a person is lying on the ground is likely to receive

have

have the ribs broken, as ~~would~~ readily at least, as by a fall —

Thinks the liver is more likely to give way sooner than the spleen — the spleen is much exposed, a blow there might break it — ~~that~~ Some of the blows were not far from the spleen —

The liver is protected by the ribs — but in case of compression on the body (the ribs may yield, and that protection ceases in a great measure —

By Injy — Thinks that if the lower ribs were broken the liver might be exposed to injury —

Mr Hart addressed the Jury on behalf of the Pr and adduced the following witnesses —

Francis Corn° Thos Arnoldi — has heard the evidence of Dr Bolin to day — that rupture of the liver may be caused by a fall — had Pr endeavoured to raise the D. a person of dissipated habits, and by falling down suddenly wt her the Ribs might give way and the liver ~~might~~ be lacerated —

All injuries of the liver, particularly laceration, are Dangerous & fatal —

Breaking of ribs alone, may not cause death —

That the number of ribs broken is so great, that he conceives it could not arise from one accident — Thinks that the lower ribs could not have broken so as to affect the liver, without also breaking the spleen —

à Arnoldi.

The liver of a dissipated person is more easy to suffer laceration by external violence —

2

If a blow given by a body wt. a small body is more likely to leave a mark, than a blow by a large body —

Xd-

That rent in the liver alone was sufficient to prevent the recovery of the woman —

Does not think that a person falling wt. the above could produce this effect, without some other cause pressing agt. her — unless pushed with great violence —

A child falling on a person might produce the effect of tearing the liver

Thomas Walter Lewis — a heavy man falling on a person wt his knees might fracture the ribs — the rupture of liver wd. be a consequence of such injury —

The liver of a dissipated person more liable to injury —

It is almost impossible to break the last two ribs as they are floating, but the others might. —

The spleen is generally injured wt. the liver — it is hard to say whether the spleen wd. be affected more than the liver — it depends on the state of disease of the part

Compression may cause the injury to the liver —

If the blow had been given wt. a sharp stone, it would leave a mark — a heavy foot wd not

Dr. Arnoldi — heard Coleins evidence —

That Dr by endeavouring to hold his wife & falling on her might possibly occasion the injury —

a sudden compression of a person of the habit of D — might cause the rupture of the lungs —

That it is more likely the ribs as broken would be the effect of compression rather than a blow —

That of the Injuries fell down in a double position
her liver might detach the Liver from its place behind & duct
the ribs might be broken at the same time. —

It is only in case of the worst unlucky circumstances
that this might be the case —

The falling on a chair might produce the effect —

A number of kicks might produce the effects
rather thinks that the injury was effected by a
fall —

Jn/ Bte Dezeny — Knows Pr & D — The D. was much addicted
to drink, & to be in a state of insensibility — The Pr. passes
for a good man —

William Burns, has kn. Pr for 10 years also the D —
never saw Pr. ill-treat his wife, always considered
him as a humane man — he has some Children —

Joseph Ross — Has kn. Pr for several years — he never
heard any thing of his character — but on the
contrary a hard working man —

Joseph Lee has kn. Pr for seven years — bears a good character —

Verdict — Guilty of Manslaughter

Saturday

Saturday 4th March 1837.

Pres.

Ch. Justice Reid.
Mr Justice Pyke
Mr Justice Rolland

The King
vs
William Collins

An Indictment for Grand Larceny

John McGowan, lives at Montreal, Pr was in company at bar on 2d Nov. last - went with him to the Pavilion Hotel on that day - Pr had in his poss. 3 tea spoons - one gold watch, value of £15 - went to house of John Delisle, the keeper of the Hotel. The silver watches he values at £5 - each - after they had been there a few minutes the Pr & D. to Delisle, that young man has got a fine watch - on this Delisle asked him to shew the watch - John Delisle to ask him to exchange watches had - he offered 10 dollars in addn the Pr said it was too cheap - does not kn. whether Pr took watch from D. or whether D. gave it to him - saw it in hands of Pr - the Pr put the watch into hands of Dallaire - since then he has not seen it - he may have seen it at Police office - but is not certain - does not recognize the watch now shewn to be his - does not remember the on his watch.

Here the prosecution was closed, and the Pr discharged by the Jury -

The King
vs
Edouard Brouillet } On Indictment for Grand Larceny —

Jacques Lemlin, is Seaman — On 25th Oct last his Schooner was at Montreal — The Pr embarked at Quebec to take the place of a Sailor on board who had gone on board another Vessel — The Wr had on board his Schooner a Silver Watch belonging to him, value 15 or 16 Dollars — a seal, worth ten Shillings This watch he generally kept among his Linen in his chest — he had usually wound up the watch — on a Sunday morng he left to go to St Johns — and returned the same day — when he returned, the Pr came up to him. told Wr that he wanted to go w the St George to Quebec, as he was not well — Wr. Sd he was a fool to go w the Steam boat; as Wr would be going to Quebec in a day or two — he went away, and came back again saying he was determined to go on foot, on this the Wr gave him a Shilling & the Pr went off — this was on Monday 8 Sept —

On his arriving at Three Rivers, he heard of the stolen the Pr. of his watch — went to look for it — and found it was gone — The watch now shewn is the same he had on board & was stolen — The Seal ~~he said~~ the Pr. said he had lost. —

The Pr was on board the Wr Schooner 11 days — the boy in wh he kept his watch & Linen was in his room behind his bed — he had other men on board — and was occasionally on shore himself — when business required it. When he came back from St Johns he did not look into his boys. for his watch —

Asdown

Antoine Constantin, lives at Champlain. Defend's Rec — on 7 — 8 Sept last the Pr offered a Watch for Sale — the same now shewn — with the key & seal — The Storm was not on the Seal — he asked 16 dolls for it — said his bourgeois had given him to pay — Rec bot the watch 7 Jr. Sept. in goods & 2/6 in money — Pr 6 Oct. he was from Batiscan — that he was one of the Children of Joachim Leblanc — some Days after Mr Burns, the high Constable, came to his house with a Search warrt — asked if the Pr had not purchased a watch — this the Pr. denied — was charged by Burns — on this the Const went to Batiscan in search of the Pr and found him at his mother's there a Madame Bourdet —

Philip Burns, h. Const. of 3 Rec — In Sept. the 9th last Mr Hunter came & told him he had lost a watch that had been stolen from him — he got a Search warrt — and after information he got, he was told that Mr Constantin had purchased a watch from a Young man — he went to Constantin's where he found the watch — the owner now produced — shewed the watch to Constantin who knew it to be his — Pr went with Constantin in search of the Pr — & found him at Mad. Bourdet's at Batiscan — the Pr was arrested then — The watch is the same he had from Constantin, and has remained in his possession ever since.

Mr De Bonchervelle addressed the Jury on behalf of the Pris.

Verdict Guilty —

The King
vs
Xavier Beaupré
otherwise called Xavier
Morin

On Indictment for stealing a gelding —

Jn° B^te Malte, lives at Lanoray, 120 P. he came to live at W^m sometime in Sept^r last. he d^d he lived at d'Orsonnens — he lived w^th the W^m and remained about 6 weeks — W^m had a light bay horse value 80 dollars — The P^r at the end of 6 weeks left the W^ms service again he did return — he then called himself Xavier Morin — † The horse was in his stable the night before he was stolen — The W^m went in search — heard that M^r Demarais had stolen a horse at Rev. du Loup — went there & found his horse — The W^m went to 3 Riv. & gave his inform^n — saw P^r in prison at 3 Riv. — is the same person who lived in his service in the name of Morin —

† about 11 days after he lost his horse.

X

Did not see the P^r about the barn when the horse was stolen —

Eli Demarais lives at Rev. du Loup, keeps tavern there — about the 4 Nov^r last the P^r passed his house on bay horse — he suspected that the horse was stolen he told the P^r to stop — make made him stop took the horse and put him in his stable, and arrested the P^r † Having heard that W^m Orsetta had lost his horse, he sent to him to let him know he had the horse — That Malte came & claimed the horse as his property — From the appearance

† That at the magistrates the P^r called himself Xav^r Beaupré

of

of the Pr he suspected he was not a person to have such a horse in his possession —

The Pr is the same person

Augustin Billegarde, lives at Riv. du Loup — in Nov. last he was called by Mr Demarais to assist him in stopping the Pr — a horse + that saw the horse — saw the Pr in the horse, & from his dress & appearance he was not likely to have such a horse in his possession — The Pr is the same person he saw at Demarais, in having stolen the horse —

Wolsh Burns, High Const. 3 Riv. he was charged to bring the Pr from 3 Riv. here — under the name of Xavier Beaupré otherwise called Xavier Morin — he was delivered to him at the Gaol of Three Rivers by the Gaoler under that name — does not know that the Pr — was passed by name of Beaupré — nor does he know any persons of that name at 3 Riv. —

Verdict. Guilty. —

The King
vs
Antoine Sicard
&
Joseph Sicard

On Indictment for Grand Larceny. —

Simon Talon dit Lesperance, lives at Yamaska — Presentation — the Pr one last fall — they came to his house as four persons asking for a lodging — he gave them lodging, & gave them some work — That he

observed

observed that wheat was missing from time to time from his barn — cannot say the quantity of wheat that was stolen — Pr searched in the house of the Ors occupied, & found about 6 buckets of wheat — value of 5/ ℔ bushel — value the oats he missed at 1/8. and some bran 1/ — and about 100 pounds of flour — these things were concealed under the pallasse the Prs occupied — the oats in the ground — the bran in a house not occupied by the Prs — and the flour in a bucke in the Prs house — the elder Pr was present when these things were found — he acknowledged the fact that he had stolen these things from him — the younger Pr was the person who informed the Visitors when the articles were concealed — The wheat was not winnowed, when taken, was in the same state when he found it —

X

That the sometimes pd the Ors for their labour in money and sometimes in grain — found the grain in a paillasse under a bed — thinks it was concealed there — as they had room enough to have put the grain in another place in the house —

Verdict Not Guilty —

The King
v.
Thomas Barry

On Indictment for Grand Larceny —

The Attorney General enters a Nolle prosequi

The King

The King
Joseph Bellanger } on Indictment for stealing a mare —

Jn B^te Blin lives at Varennes — on the 20^th of Feb^y last he had a mare below his barn — seen her on the evening of that day, next morning the mare was gone with a harness & collar ~~& train~~ — values the pair at 30 dollars sent in search of the mare, found that the P^r had wanted to sell a mare such as answered to the description of his mare — he found the P^r at Seraphins at Long Point. asked him where he had sold the mare he had — he said he would never tell them — Bellanger ~~Bellanger~~ & W^m arrested the P^r — and on the way he met one Bleau — he found there his train & harness — then P^r told them that the mare was at one Laporte's — ~~they~~ that he had exchanged the mare with him Laporte — that then W^m & prosecutor — Laporte who had the mare, & W^m knew to be his property and on this the P^r was committed — Found the train and harness at Bleau's at Long Point — does not kn. the P^r — the mare of W^m is black —

Joseph Laporte — lives at coté de la Visitation, saw the P^r on the 21^st ult^o — it was in the morning — about 10 O'Cl — he offered to sale a mare, harness and train to W^m — the mare was black — W^m refused to buy — but if he W^d exchange — W^m he would exch. but P^r refused — the P^r however said if W^m would give him a suit to boot he W^d exchange, and asked 8 dollars — this W^m refused — but after some present offered P^r ~~8 dollars~~ dollars — this the P^r accepted — and he took the horse of W^m and went off — with his train — That next day he met Blin with the man who claimed the mare

as

as his property, the Pr. was present who acknowledged that the mare belonged to Blair — on this the Wt purchased the mare from Blair — he got back his own horse from one Bluteau's —

Leon Bluteau, lives at Long Pte — saw the Pr. at his house about 11 at night on 21 Febr — the Wt was in bed he got up, saw the Pr. knew him — he had a team down — the Wt observed he had never seen him not a horse before — the Pr had exchanged at the Petite Cote asked for a cruche de rum as he had money to pay — the Wt then told Pr. that he had stolen the horse Pr denied this — Wt put the horse in his stable and told Pr. to remain in the house — but while the Wt was putting up the horse the Pr went off — but he came back in about 15 Minutes after — told Wt. he had exchanged the horse for a mare, & had made a good exchange at the Petite Cote — the Wt saw Blair next day and told him what the Pr had told him — on this they went to Lapointe's where Blair found his mare, which the Pr then acknowledged he had taken —

Verdict. Guilty.

The King
vs
Edouard Rondeau } on Indictment for Sheep Stealing

Jn Bte Piccard, lives at Lachine, in Novr last he had 11 sheep on the 20 Novr he counted them — 9 were white and two black — the Pr lived at one Delaurens

in

in the neighbourhood — had been from 18 to 19 days —
on the Tuesday the 22d he was informed that a man
Wm Dunn sheep had been arrested — he exam.d his sheep &
found that 5 white from black of his were missing —
Wm went to the Tanneries saw the sheep at the house
there & recognized his sheep & his mark on them, having
the 2 ears cut — hearing that the sheep was in prison he
came to the Gaol — he saw the Pr there who asked the
Wt if he was the man who caused him to be arrested.
the Wt said he had so — he asked the Wt if the sheep
of the the Pr had brot — wt him to the Tannery were his
the Wt s.d they were — & he told the Wt he must go and
to appear at him, that he the Pr was from Quebec &
wished to return there, & if Wt appeared he might be
found guilty — That four of the sheep are worth
20/ each the other two are worth 10/ each —
after the sheep were taken the Wt did not see the Pr
at Delaunes — he went away at the same time —

Pierre Lefrancois, lives at Lachine, about ½ league from the
last Wt — That on the night of the 21 Nov.r last the
Pr came to his house, he was in bed, he saw Pr with
6 sheep 5 white from black — he said he had come
the Bay of Quinte & that his master was following
with a large number of sheep — observed the ears of the
sheep cut — he asked Wt to take them sheep into
town & he wd give Wt 5/ for his trouble — Wt came
to Pr to the Tannery — day began to appear — he went
into town of — on Bleeker — That when here the Pr
said he would leave his sheep at the large brick
house & he did, and went to Pr to the Tannery

when

when Pr. after were arrested for having taken the Sheep — Jean the Pr was called upon to declare where he got the Sheep he answered he had stolen them from the neighbours of Delorier where he the Pr lived — That We sent for Pecaud to look at the Sheep —

Verdict. Guilty.

The King
Marc Morin } On Indictment for stealing a Sheep of the value of 10s. —

Jean Regis Chaput, lives at St Hyacinthe, on Dean east he had a sheep, value 15 — he kept the Sheep in a stable — he had this Sheep from Antoine Trottier a farm — it was the property of Trottier — the sheep was taken — it has grey coloured wool — it had no other marks on the body — the stable had been opened & the sheep stolen — suspicion fell on the Pr they followed the footsteps in the snow on y[e] 5th — there was blood, from the stable where the sheep was, to about an acre & a half from Pr's — the Pr spoke in another concession but the foot prints went across the fields towards the Pr's house — when near the house there were several footmarks — the going into Pr's he appeared surprized one Cadere was with We — told Pr that they had followed the footmarks of their sheep — the Pr. said he had two[o] bot an sheep from one Bourgeois, that he was a man unknown, he that — sd might be the sheep they were looking for — he showed the sheep in the yard

cross Exd

which was fresh killed, but had not the head the Ors. he had bot. it was[illegible] without the head — on seeing the sheep he considered it to be his property from the colour of the wool on the backs — being grayish — They left the sheep wt. the Ors — They saw in the house a bag fresh washed & had marks of blood on it — The arms of the meat was cooked & appeared dirty a little — The 3 feet left in the stable corresponded wt. the manner in wh. the feet had been cut on the sheep found wt the Prs

Antoine Trottier — proprietor of the sheep — recognized the sheep from the colour of the wool ~~on the sheep~~ —

Charles Vidal. bailiff — had a warrant agt Prs — advised him to get Bourque arrested if he was the person who had stolen the sheep — The Pr ~~had~~ said it was not his business, but that of the bailiffs to run after Bourque — The Pr had escaped after being arrested on the first warrant — and in consequence a second warrant issued after him — whilst W was conveying Pr to Montreal, he offered him money to allow him to escape, as he knew he would be found guilty of this miserable affair —

Verdict. Guilty.

Monday 6th March 1837

Pres.
Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland, ss

The King
vs
Joseph Renaud
otherwise called
Joseph Blanchard

On Indictment for Stealing Cattle.

William Chapman, lives in Longueuil on 17 Nov. last he lost 2 Cows & three heifers - he saw them cattle about 10 o'Clock on evening within 1/4 acre of his house - values the two Cows at 5 Dollars the whole was worth 100 dols - Sept 8 morning the cattle were missing - he went in search of them, but heard no news of them till 3 weeks after, when an old man came to his told him he had seen the Cattle - & so then went to the 3. Concession of Boucherville - where heard the Cattle had passed went to Longueuil - he told Mr he had seen 2 red Cows - one a little brown - the heifers one a grey one - one red - & that he had seen a man driving along the Cattle & that Longueuil had assisted him - He went on towards Boucherville Mountain where he heard that a man & such cattle had driven thro this ~~on this event on further~~ man &. he that. it was one Renaud who had the Cattle - Then Mr having had information that the P. was the man who had driven away his cattle, he obtained a warr. & arrested P. who told M. he had sold the Cattle to one Quertier - That he went to Quertiers & there found his three heifers,

The

The two Cows were killed — he saw the Skins, but saw three Skins, and knew them to be the Skins of his two Cows — describes the one wt. particular marks & the other a red coloured — The Wn. sold the three heifers & Guardian & the two Cows to Gauthier for 87 dollars —

x

Lavoche was the first who gave information to Wr of his Cattle & that he had helped the Pn to drive on the Cattle & to find one of them he had lost — this he said was one hour before day. —

That Martin was the person also who described a man having his Cattle about 4 or 5 o'Clk in the morning — when he got to Langevin's it was 7 o'Clk in the morng. & he s. he had seen the Cattle —

As far as Wr understood the Pn — he s. he had bot the Cattle and had sold them to Gauthier —

At Capt Leverque's the Pr offered from 130 dollars to make up this matter — & the sum asked 150 — but said he that it was not in his power to make it up — but if Mr Kennedy wd allow it, he wd take 130 dollars — thinks that it was he felt himself guilty that Pr offered that money. Wr never said that he was ashamed the Pr had not taken the Cattle —

Jacques Langevin — lives at Beauharnois between 5 & 6 miles — knows Pr since he saw him pass wt the Cattle, saw him pass on the 18 Nov. between 7 & 8 Clk in the morng — the Pr had two Cows & 3 steers wt. him — the Wr assisted Pr to collect the Cattle — the Pr went the chemin de lisiere to the Mountain — that 3 weeks after, Chapman came to his house in search of his Cattle — Chapman lives about 2 leagues from the house of Wr — & it would require

5 or

or 6 horses to have driven the Cattle from Chapmans, —
Chapman described his Cattle — went w Chapman
to Massé's how they heard that a man had denied
them w the Cattle — they then went on to the village
of Boisbriand — That it was at Massés, when they were
told the name of the Pr — and on this they went to Mr
De Rouville to get a warrant agt the Pr & then proceeded
to the Pr's where he was arrested — The Pr appeared surprized,
the warrant was read — when Pr — said, that he had
purchased the Cattle from a Bostonnais in the —
Chambly road — That the Chambly road is about
2 ½ leagues from house of Pr — The chemin de Chambly
is that wh goes from Longueuil to Chambly —
that the house of Chapman is about 40 arps from
the village. —

That the Pr told them he had sold the Cattle to
André Guertin — W went there w the bailiff — where
the three keepers he found there and the same the Ws
saw in the possn of the Pr — at his house — That
Chapman rec the sum for wh the Pr had sold the
cattle to Guertin —
was at L'Heureux's on Tuesday even — when the
Pr was there — That the Pr s. the Cattle might not
be his, but W s. that it was not so — But Chapman
was an honest man —
That Pr on what L'Heureux & proposition, offered
to make an arrangement, Chapman asked 150 dollrs
or offered 125 — at last Chapman, s. if Mr. De
Rouville allowed the arrangement he w take 130
dollars — But Mr De Rouville objected to this and

said

said it was too late.—

That one end of Chapman's land is on the Chambly road — his house may be about 12 a 15 acres from the Chemin de Gentilly —
Knows one Dubois, who lives between house of W. & that of Chapman — on the continuation of the road of Gentilly —
Stopt first at Massé — the first house they went to —
Said Massé told them that Pr had said he was of St Jean Bte —

That when Pr said he had bot the Cattle, Chapman said it was impossible, that he could have bot them — & that from the hour of the night his Cattle were stolen —

André Guertin — lives at Belœil — is a butcher — has Pr for a long time — Hears heard that the Pr had cattle to sell, about the 25 Nov last — W went to Prs he saw the Cattle — went first to grange — saw the 2 Cows offered 40 dolls for them & 87 for the 3 bulls — Pr said he had 85 dolls for them & 2 dolls — on the purchase was too little — and after some bargaining the Pr agreed to accept the 87 dolls for the four — & the Pr carried the Cattle to the house of W — W killed the 2 Cows. About the 10 Dec last Chapmans Guertin & Langevin came to his house, who claimed the Cattle — Chapman described the heifers before seeing them — W was satisfied that the property had belonged to Chapman — on this he went to Mr Desrouvilles — & on this the Pr agreed that Mr Chapman should take the 87 dolls & the bulls owed him for the Cattle —

W had in the course of the Summer purchased cattle from the Pr — was surprised when he heard Pr was accused of the theft of these Cattle — The Pr is an honest man — has a Coat of —

of Militia in his parish—

Wm Chapman brot up again— says at request of Pr he came to town to see if his matter could be settled

Mary Chapman wife of last Wit The boys when last here did not give Mess— saw them the night before they were taken about 9 & 10 o'Clk— next morn they were missing about 5 a 6

Mr Lafontaine

Paschal Dubee. lives in Longueuil, lives in Chemin du Lac— lives near the Chemin de Gentilly— lives about 50 acres from Chapmans— Wit. Laroche who lives in 3e Rang of Boucherville— That the Pr— slept at house of Wit & slept there, it was late in the fall— he was going home— he saw no cattle with him— the Wit got up early & came to Market & left Pr at his house— The Pr had a Cart, some bags in it— he seemed to have come from town— It was about 8 or 9 o'Clk when the Pr arrived the last time at house of Wit—

x

when Wit got up to come to town it might be about 2 or 3 o'Clock in the morning— the Pr was then up & dressed—

Ambroise Massé. Taverner on the last Sunday to Boucherville. That in coming from town to go to St Jos Bte— the shortest road is by Gentilly. to house of Wit

That in Nov. last the Pr— came to his house and some Cattle & had his dinner— he staid about 3 hours in the afternoon— The Cattle were in the meadow—

Elt—

Etienne Guertin — Canadien at Belœil — he was stopped en passant at Chambly, and was asked if by Langevin & Chapman, if a warrant could be obtained — it was obtained from Mr DeRouville & went and arrested the Pr — who appeared much astonished — carried the Pr before Mr DeRouville, who refused to admit the Pr to bail — on this they went on to L'Heureux's where they slept — Mr L'Heureux proposed that an arrangt should be made — & proposed it to Chapman — who asked 150 dollrs — Mr Wife of L'Heureux proposed that Chapman should accept 130 dollars — that Pr or L had lost the cattle [illegible] for Strangers on the road — for 85 dollrs — This the Wr believed as he always knew the Pr to be an honest man —

Joseph Bertrand — lives on a Concession of Chambly that goes from the Beauchemin Mountain — the Pr passed at his house on Novr last, when they passed the night — and he had lost the Cattle from an American — he pd 20 dollrs for each of the Cows & 15 dollrs for each of the heifers — the Pr slept there & left the cattle in the yard — he had his Cattle there —

It was a clear moonlight night at the time —

Joseph Pier — is Farmer at Chambly — on the 19 Novr he passed over the Pr & 2 cows & 5 heifers — it was about 1 o'Clock in the afternoon — the Pr took his time — shewed his cattle to the persons present — he had his horse & sleigh there — & he must have stayed about 3 hours there —

The Pr is a very honest man & he does not believe he took those cattle —

Chas —

Charles Huet. Island. Lives Opr for 30 years, is a respect
honest man — he buys cattle from various persons. —

Louis Nau — Curé of St Jos B.e — for nearly 3 years — lives Opr
he is one of the most respectable men in his parish
before this affair — considers himself incapable of
stealing — he belongs to a respectable family. —

Simeon Marchisseau — Bourgeois de St Charles — he lost a cow
of 20 shillings at house of Opr — which was returned to him
by the wife of the Opr — was charged by Mr Debartzche to tell
Opr to come for a sum of money he owed him —

Charles Tetu — St Mary's B.e — for 13 years. lives Opr same that knows
he enjoys a very good character, does not think him
capable of the crime of which he is accused —

Herbert Renaud — son of the Opr — lives with him — In Nov. last
the Opr bought seven Cattle to the house — they were not
shut up — that the wife & his mother advised the Opr
to sell the Cattle — Ds. that the Opr had rec.d 550 £. —
the Opr said he intended to keep the three young
Cattle — but was induced to sell them

David Renaud — son of Opr — lives with him — in Nov.r last he
had the cattle home — they were kept at the door of
the Stable — he did he intended to keep three of them
but the advice of Wife & his mother he was persuaded
to sell them —

Isaac Vandandaigue. lives at St Jos B.e — for many years.
knows him for an honest man —

Verdict. Not Guilty.

The

The King
vs
Joseph Picotte
otherwise called
Joseph St. Germain

On Indictment for Grand Larceny.—
Arraigned — pleads not Guilty
Trial to morrow

The King.
vs
Jean Baptiste Faille

On Indictment for breaking into a Vault
with intent to steal.—

Jean Bellanger, lives in town, knows Pr
saw Pr at the Tavern of one Mockan in town at
was about the 28 Dec. last — the Pr was in the Tavern
he was spoke to by McGinnis, asked him if he wd
go and get money with him — Mc. said to McG — I will
go with him — McGinnis returned, says he had been
to tell Mr Delisle — That McGinnis told Mc that
Mr Delisle had told him to go & see where Pr went
& let him — That Pr went out & came back with
some rum — treated Mc & McG — they wd. take
a couple — they both took of it — McG. & Mc went
away & went round by the buildings near the steam
boat office, the Pr followed them, and when at
the door of this house, the Pr gave a blow on the
cellar door, he stooped down and holding by the
wall, as if he meant to force open the door — there
were a variety of articles in the cellar —

Richd McGinnis. knows Pr — the W stops at Mr Mogans — with
the last Week — In the night of 28 Dec. last — saw Pr at

Mogans

Mogans — he proposed to Wm to go wm them to some good place — that he Wm had worked in stores for some time & must kn. some good places — Wm refused to go wm him — Pr asked Wm. to go wm him & he wd. make money — they did not want to go, but they accompanied as far as Molvens Store on the water side — the Pr went to one D'Ingers & came back wt. a tin mug and some liquor in it — offered it to Wm & Bellanger Wm refused & said he might have been poisoned — Bellanger also refused to drink any & told Pr to drink himself — & afterwards they drank also they were then returning back, he sat down and put his foot agt. the Cellar door & forced agt. it ~~as if he~~ in order to open it — Wm then went to acquaint Delisle — Delisle came up and the Pr was arrested at Mogans —

Philip Pulver knows 2 last Wm Mr Molvon has a vault in a house in the old market, there were 4 barrels of salt beef in it on the 28 Dec last Wm is in the service of Mr Molvon, he had locked the door that evening — there is an iron door and side a wooden door inside — the outer door opens outside & the inner door opens inwards — the next morning the Wm saw that had been trouble done to force the outer door — & the work could pass his hand between the door & the Cart stone — that it appeared that some sharp instrument had been used to force the door, and the ~~door~~ door

was

was bent a little — the bolt was not injured
The door was still locked —

Verdict Not Guilty.

The King
v.
Alexander Thibeltz

On Indictment for stealing a horse —
over till to morrow

Tuesday 7th. March.

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

The King
v.
Joseph Picotte
otherwise called
Joseph St Germain

On Indictment for Grand Larceny —

Elie Granger, lives at Plaines — Trader — on the 29 Oct. last the Pr. came to his house on horseback asked for lodging — he put up his horse — P.r he came from Bytown — had been absent 2 years — had his relations at St Eustache — said he wanted to go by Montreal — asked Witness if he could change £30 — in paper money — after Supper asked if there was any Shoemakers in the Village Wr. wanted wd. have a pair of measure taken for a pair of boots

nephew and he offered to sell him a pr of cloth trowsers
The Pris ~~agreed to sell him~~ sold to the Pr the different
articles mentioned in the Indictment and had delivered
the same to the Pros[r] for a sum of 18 dollars —

Here the Pros[r] was stopt and the Pr
was acquitted by the direction of the Court.

The King
Walter Prendergast
and
Hypolite Roi

On Indictment for Stealing 4 pr open value
£1 the property of Felix Villeneuve —

Felix Villeneuve, lives at St Henry has since
came to Montreal in Nov[r] last we 10 Opera for sale,
the Pr & another person came to purchase — he sold
4 opera to Prendergast for £15 — & rec[d] 25/. on acct
the Pr then led away the opera — saying come to
my stall, I will pay you — it was Polite Roi &
another man took away the opera — that Pr
went to the stall of Prendergast, he waited about
10 minutes & then observed that the person came
to bring him the money — on this Prendergast
said he would go to one Felix Bourie's saying
the man would bring him the money there — after
waiting about ½ hour at Bourie's — the Pr said
that your man does not come wt the money — on
this Bourie said, they wd go some where else, &
get the money — on this he led the Pr to the

Day

hay market, when the Pr Prendergast saw a boy coming out of a house, and asked him if there was any money for him there — the boy said no — that from this they returned back to the market saying he might get the money there — they came back, but found no money — it was then getting dark, and the W asked him to return his ~~money~~ Oxen as he had no money, the Pr said his oxen were then dead — and and that he would pay him next morning at his stall — on this the W said you must give me your name — to w it was Joseph Perrault — on this the W left him, & next morn returned to the Market place and enquired for Jos. Perrault — several but others shewed him a man of that name, but it was not the Pr Prendergast. & W told him, he had no business w. him — he did not see the Pr that day — on this he applied to several butchers, who told him, that his oxen were lost to him — but they said, there was one Petit Roi who could give me some acct of his oxen — went to and the butchers to Pr Petit Roi — Roi said it was Prendergast who had murdered his oxen — on this the W went & got a warrant agt Prendergast the Pr. did not cause Pr. Roi to be arrested for this affair — he only took the oxen away, but it was Prendergast who had ~~taken~~ taken them —

x

There were several persons present when the Pr carried away the Oxen — and the Stock consented to go to the Stall of Pr. P — to get his money — never ever heard the Pr always went to the Oxen after he had sold the oxen. —

That after the sale, he heard the others say — lead away the oxen — and he made no objection to it as expected to get his money according to agreement. —

Verdict. Not Guilty. —

The King
vs
Edouard Richelieu
Hyppolite Roi

On Indictment for stealing 2 oxen the property of Felix Villeneuve —

Felix Villeneuve, lives at St Henri de Mascouche On the 30 Nov. last he brot. 10 oxen to Market for sale sold one pair to the Pr Richelieu for 27 Dollrs. he Pr. came to my Stall, and I'll pay you. the Pr Roi was with the Pr and he took away the oxen, the Pr went with Richelieu to the top of the market when Pr, he said stop a minute & I'll pay you — and at the same time Roi came up & said give him 4 glasses of ale — the Pr gave him the 2 Dollrs, who told him to sell your other oxen and I'll bring you your money immediately — the Pr returned to Pr. Richelieu two or three times for his money, but he said he had none — the Pr at last said

that

that his brother, alluding to Pre, had his money and he could not get it — at same time, he said — I'll go and see him today to get your money — the Pr — then went away, he did not see him again that day. — That next day he went to the same stable but he had not found the Prs — about midday he saw Pr, asked his money — he said he had none — That he consulted to the Pre & Pre taking away the oppression on the supputation of his getting his money —

Verdict, Not Guilty.

Wednesday 8th March. —

Pres.

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland

The King
Alexr Thibetts } On Indictment for stealing a horse —

St Luc Desmers, lives at his fathers Augustin Desmers who lives at St Constant, about the Sunday before Toussaint he borrowed his fathers horse, value 20 dollars — to go to Laprairie — left his fathers about 2 o'Clk & went to Frond Montigny's at the Cote St Catherine — he tied his horse at the door of the house — it might be about 6 hr when he

arrived

arrived there — about 8 or 9 o'Clock on going out, he found his horse gone, and he heard nothing of him afterwards The horse was tied with a halter which was at the door — The halter was gone also —

The distance between Dr's place of residence & Montigny's is about a league. The horse was tied to the fence — à son clotûre de pieche — the pieche de milieu —

Joseph Possainville of Laprairie, sworn Deposes of St Constant — Knows he had a black horse & when he saw him, he knew him — on the last day of Oct. last he saw the Pr on board the Steam boat — saw he had a horse fastened there to the Quay — about 6 in the morning — it was a black horse. he knew him to be Demers's horse — when the steam boat was about going off the Pr called to one of the Sailors, go & untie my horse, the Sailor said untie him yourself & I'll help you — Montigny lives from Laf.

The Pr untied the halter & led him on board the Br followed behind — The Wr came to know with the Pr and the horse, & when arrived at Montreal, the Wr went about his own affairs & left the boat & Pr in it —

Has seen this horse reared, & knew him to belong to Demers. — when Wr arrived at the boat the Pr was on board walking about — the horse near to it was tied to the Quay — It was the Pr who untied the horse — the Sailor had hold of the halter & the Pr followed — The horse had a bridle and halter — and de cable — à la Montagne —

Franc. Lefort — aged 12 years — not sworn —

Augustin Demers — on oath in Oct. last, proof of a black horse

Exr

on the 30 Oct. he lent his horse to Jos. Wilt on the Sunday before Xmas — he had a bridle & halter & Breastingale — was told his horse was stolen on the Tuesday, but has not heard of him since — he came to town where he was told to apply to Mr. Bernard who could give him information — he saw his horse attached to a balance at the Steam boat — the Pr. told a Bailiff to go and catch his horse, & on Bailiff telling him to go & catch him himself, & he would assist to bring him on board — on this the Pr. went and untied the horse & the Pr. ~~followed~~ assisted to bring the horse on board — That on this the Pr. got a warrant agt the Pr. who went to Beauvais where Pr. lodged, was told he was not there — That on the Thursday 3d Nov. having his warrt he gave it to a Capt. of Militia, who arrested the Pr.

X

That St. Constant is distant about 1½ league from the Cote St. Catherine where Montagny lives. — Knows the attitude of the horse, & it was his also — The horse was about 6 years old —

St. James St

Raphael Beauvais — lives at Laprairie — lives about 1½ league from Bernard — the Pr. he lived at his house about ~~Xmas~~ — The Pr. came into his house, a little after 8 o'Clk in ev'g to his room & walked about 5/4 hour — on coming in he shut the outer door — he came down went out again. The Pr. waited about ½ hour thinking he would come back, but he did not & Pr. left ashop — Pr. lives about 30 acres from Montagny

The Pr did not return to his house until the 4th or 5th day after this — It was on the Sunday night he went out — The Pr on his return said he had been at Montreal — On the Sunday afternoon Pr he went in the house that he was going to Montreal — When the Pr returned he was arrested by Mr Powers —

The Pr had lived from the 1st day preceding at house of Wr and slept a whole Week —

X

That Wr had gone to bed before 8 o'clk — but had not slept when Pr came in, it might be Then about 10 minutes after 8 o'clk — Wr did not awake in the course of the night, until 4 o'clk in the morng and when he found the door open as it had been when Pr went out —

Jos. Marie Alexr Raymond, a bailiff — he was charged with a warrt. agt Pr about the end of Oct. last — Powers assisted Wr of the Wd. Took charge of a warrt agt. him — The Wr. told he was employed then but told him to go to a Coffee. of Statistics — Powers told the Wd. bring the Pr to his house & Wr would take charge of him — Pr agreed — and the Pr has been arrested — he was put in charge of some Britishers in a house adjoining West of Pr's That night morng — when Wr went to take charge of Pr he was gone, hearing that he had escaped from the Britishers house — That the night before, he heard the Pr offer to give Powers five hundred on ct. that

over

were offers to realise of 100 Dollrs to let him go — as he did not wish to go to the New Gaol. —

Thinks that the offer was made to allow the Pr. to go at liberty until the cause should be heard as he had asked Damages to be laid for him. —

Mr. Dr Boucherville & Mr Hart addressed the Jury on behalf of the Pr — and called the following Witnesses. —

Marie ~~Le Pierre~~ Brosseau, wife Pr — lives next door to him — The Pr came to her house on Sunday evg before St Louis — ~~the clock~~ he staid some time — the clock struck 7 or 8 — he asked the hour, & then went away — he came sometimes to go to her house in the evening — She says about 6 or 7 o'clock in evg — The Candle had been lighted some time before Pr came in — it might be about 6 o'Clk when the Candle was lighted — Pr conversed wt the persons in the house said he was going next day to Sorrel. —

Olive St Jean, lives in same house wt last Wn on Sunday evg the Pr had been some time before the Clock struck, and he remained some time after — the clock had struck but cannot say whether it was 7 or 8 — She had not supped, but she was waiting for husband — the Candles had been lighted some time — The Pr mentd that he was going to Montreal next day — She is a neighbour of Brosseau at distance of about 1/2 league from the Steam boat —

~~Theophile Beaugeau~~ Beauveau. The Pr lived wt Wn at house of Wn father at the time the horse was stolen — on 30th Oct last

The

the Wm went to Keller at the neighbours — he met wth the Pr at the door of his father house coming in — Wm went into house wth the Pr the Wm told to Pr to fasten the outer door, wch he did — and Pr went up to his room. —

The Pr went out afterwards — he cannot say what hour it was — ~~The~~ Has no knowl. that the Pr came back that night, does not see the Pr. next day, nor till 4 days afterwards — That next morning the outer door was found open —

Amable Leclaire — on 30 Oct last knew near the Pr The Wm went to town next morng about 4 o'Clk This is the hour at wch they used to come to town — he arrived at Lafrenaie it was about day break — The Pr arrived about 15 or 20 minutes after the ~~Pr~~ Wm — so he had come on foot — saw no horse wth the Pr The Pr stopt at the public house until broad day, when Wm went to one steam boat, and the Pr to the other. did not see the Pr afterwards. —

Isaac Récollet Ks. Pr on the 31 Oct. last he came to Montreal from L. on board Steam boat Princess — saw Pr when he arrived there — asked Wm if he was going to town — about 10 minutes after the steam boat set out — saw a black horse on board — Pr asked Wm to go after, it was cold

Wm

When he left the Steamboat, Pt left the Pr on board.—

Verdict Guilty.—

The King.—
vs
François Larocque } On Indictment for Arson—for maliciously setting fire to a barn the property of one Eustache Soupras in the parish of St Joseph de Chambly on the 23d day of October 1836.—

Eustache Soupras, lives at St Mathias—has a farm at St Jos. de Chambly on gt—there are buildings, and a barn, the barn is about an acre from the dwelling house one Laporte is his farmer, & has been so for 17 years, & then had pass: of the farm—The barn was burnt on the 23e October last with a quantity of wheat, peas & other grain in the barn—he saw the barn after it was burnt. does not know the Pr

Basile Laporte, Is the farmer of last Wr & has been for 17 years. on the farm at Chambly there is a barn on gt. There 18 hundr sheaves of wheat—750 sheaves barly—32 Boisseaux peas—& 2000 & some hund. bundles hay—The property was worth 1000 dollrs—Wr had been in the barn on the 23e of the 23e Oct a little before sun set—he does not smoke, and had no pipe—he had a little boy wt him—There was no fire of any kind near it—There was fire in the dwelling house, but not to endanger any thing—That about 6 or 7 O'Clock he first perceived the fire in the barn—the fire appeared that the fire had been put among

some

some loose straw — That Mad.e Lemieux awoke here
to the South.d of the barn at the distance of One y acres &
The neighbours came to his assistance — The children of
Mad.e C. asked them if he kn. how the fire happ.d he
no & asked if a man had not gone to this house — he s.d no —
They cou.d that a man had been at their house saying he
was going to Bout de l'Isle — Ten. P.r he had lived a month
on his service three years ago, he s.d a month ago P.r
since then he had not seen the P.r — The P.r was
arrested at St Hilaire — The W.s acquainted Mr
Longpras next day of the accident. —

P

The barn is about an acre & a half from the dwelling
house — It was one Honoré Courtemanche the
son of the neighbour who first came to his assistance
he asked if a man had come to his house to sleep at his
house — he said no — he then said that a man had lighted
his pipe at their house saying he was going to sleep
at house of W.m —

Jones.t — Grisé, lives at Chambly — Yes. P.r came down on 23 Oct.
Last, he saw P.r about ½ an acre from the barn of
W.m & had the axe belong.g to W.m in his hand† asked W.m if
it belonged to him — W.m s.d it did & took the axe from him.
The P.r went away in the direction of the residence of
Laporte, who lives about 60 acres from residence of
W.m — The P.r must past the residence of neighbour &
got into the first road. —

† qd he had taken
flying at the flame
& came along with
it in his hand.

Fran.s —

Franc. Denis dit Laporte, lives in the range called the 2d. of Chambly - about 50 arms from Lapointe's — That he saw, that his barn was burnt on Sunday 23d. Oct. saw the Pr. who came to the house — he lighted his pipe — he asked for bread, the W. refused it — he then asked where one Basile Lapointe lived — the W. shewed him — saw this he went across the fields in that direction — it was then about 4 past one in the afternoon — After the accidents that have happened in that part of the Country, the W. had some suspicions of the Pr. from his appearance —

That there had been another barn burnt at some distance from his residence —

Joseph Aubertin lives on the range called the 3d — on the front of Chambly — on the 23d Oct. last towards the evening he saw the Pr. he asked W. for work — the W. shewed him Lapointe's about 15 arms distant —

Never saw the Pr. before to his knowledge — he came across the fields to his house — about 4 an hour after W. returned to his house, the fire happened —

Prudent Robert, lives on the range called the 3d — That on the 23d Oct. last the Pr. came to his house ~~about~~ a little after sun down — he asked for bread — W. said there was none, but if he would wait they would get some ready — he if he had not time, as he was going at some distance He asked for Cowhage, W. offered to him him — but Pr. said he would not give him dear enough — asked 5/ p day. asked leave to light his pipe — asked where Basile

Lapointe

Laporte lived; says he intended to sleep there
the w[d] shewed him the house, y[t] was the L[e] from
West of W[m]— The P[r] then asked for a little tondre
the w[d] gave it to him— P[r] went away, the time was
then abt ½ an hour— and he went away going
towards Laporte's.—

X[o]—

That there had been a hangard burnt at St Marc
before this.— heard the P[r] had been arrested for the
present accusation—

Albert Guenet— lives at Chambly— was at his house the day of
the fire— saw P[r]— after dinn down— he asked to go into
the house to light his pipe, the W[m] w[d] not allow him—
he asked when Laporte lived— he is the second
neighbour of Laporte— The P[r] went across the field
towards Laporte's— that Mad[e] Countemanche
is the nearest neighbour of Laporte.— about
½ an hour after he saw the fire.—

Martha Dufort. Mad[e] Countemanche is the nearest neighbour of Laporte
the day of the fire about 6 o'Clk the P[r] came to her
house— he asked where Laporte lived— W[m] s[d] he
was her neighbour— asked if he had put all his
grain in his barn— W[m] s[d] he had oats yet— he
then asked if Laporte was a kind, W[m] s[d] no. it
was only 6 o'Clk. P[r] then lighted his pipe and
went away saying he was hired at Laporte's—
About ¾ hour after she saw the fire in barn of
Laporte—

X[o]

There is a farm of 2½ acres wide between his house & the land of Lafrenière — The Pr might have remained 1/4 an hour in conversation at house of Wr — saw the fire first at the back part of the barn coming through the roof —

Pierre Roi — That 2 or 3 days after the fire he was on board of barge called the Charlotte Louise, above Rapids Bellel saw Pr — was on board about 5 o'Clock — he had Gilet & pantaloons grey & black — he has changed his dress since he saw him — Wr asked if Pr? give him a pipe & tobacco Pr Pr — & he wanted his tobacco & pipe to make a good stroke on the South side — he said he 'came from the Northward — asked if Wr heard of the barn of Laporte that had been burnt — Wr. said no — The Pr then said, it is he who burnt that barn — after this the Pr said dont speak of this, I told this to you & hope you will not mention it — he said that P. Laporte had ill-used him when he lived there, & he was to be revenged of him that he had done so — Wr never had any quarrel with Pr — has seen him for six or seven years — Knew Pr at St Anns and lived near to where the Pr lived — The Pr on coming on board knew the Wr and called him by his name — he went away in a Canot & a woman called to him to bring back —

X

Wr was hired on board the Barge — There was two other men on board besides the Wr — The Pr said he wanted

to

to rest himself — Has heard persons say that he was a man of silly mind; others say the contrary — Wr. knew the Pr. to be a man of sense — Knows his family, & his brother who is an honest man —

The Witness asked no questions of Pr. when he made the declaration to Wr. he was entimate wd Pr. & he heard what he said — Has seen the Pr. frequently and spoken wd him twice before this — Heard that the barn of Mr Drake had been burnt before — The Pr. was arrested when he made his declaration before the Magistrate The Pr. is a man who wanders about, and has no settled residence —

By the Court — The Pr. mentioned what is above stated in the presence of the two other men who were on board the barge, and saying at the same time, that they must not mention it — addressing the Wr. & the other men at same time

Josette Vadnais — Has last Wr. was about 22 or 23 feet from him when Pr. told the conversation that took place between Pr. & Roi — The Wr did not know Pr. but he had taken her Canot to go on board — The Pr. explained his scope, saying he had down a bon coup, and that he had another to make — after this the Wr. came away — and soon after the Pr. came into her house and explained his scope — he asked if she had seen two men pass. she said no — he said he thought them men were after him, but that he knew them well & was not afraid of them.

The barge was near the shore when the Wr. stood when she

She heard the Pr mention what she has stated on board the barge – it was getting dark, she saw another man on board the barge with Roi –

The Ws was afraid of the Pr from his wild looks, but he seemed to have drunk something – She did not know him at the time – but he spoke reasonably to her –

President Vandandaigue, lives in parish of Bâton Rouge – has a km. of the fire at Laporte's – ~~after~~ the same evening the Pr came to house of Ws – the Ws have seen the fire asked Pr if he knew where the fire was – the Pr. sd it was at Fs. Laporte's, he was very sure and could swear to it – because, he sd he came down the 24 – that he saw the fire take in the barns, when it was not larger than a Candle – & he stopt by the fence to see the result of it – the Ws told Pr he was wrong not to have told Laporte of it – he sd he was a stranger & was afraid that they might think he had done it – Ws. lives about a league from Laporte's – That the Ws had seen the fire about an hour before this, but that it was nearer than Laporte's – Pr stopt the night at Ws – and went off next morning saying he was going to St Louis – That he was employed on board the Batteau – That his Capt. had sent him to make a commission for him & that he had done his own & had staid a little long, and mistaken his way, so that when he returned his Batteau was gone

x

Xo

It was 8 o'Clk when Pr came to his house, he behaved himself with propriety, and asked for Lodging — When Wm first saw the fire it ~~might~~ looked like a chimney in fire —

Franc? Ledoux lives at Bidart, saw Pr at his house two or three days after the fire — he stopt and asked to light his pipe, he then asked Wm if he had heard of the fire at Lafourtis — Wm s? he had — P. observed it was good for that man, as he was not a man <u>capable</u> of such — that it was a man who had stood at Lafourtis's ~~stable~~ who had set fire to the barn —

Xo

H Mr Pettit addressed the Jury on behalf of the Pr but called no witnesses. —

The Wm asked no questions of Pr and he mentioned this to Wm of his own accord — H

Verdict. Guilty.

The King
James Hyland
otherwise called
James Frenan

On Indictment for Grand Larceny —
The Prisoner on his arraignment pleaded
Guilty.

Thursday

Thursday 9th March. 1837.

Pres.t

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland

The King
vs
Pierre Gagnon

On Indictment for Grand Larceny.—
on two Indictments — which were submitted
to the same Jury by consent of the Prisoner

Antoine Martel, junr. lives at St Roch, the Pr. below lives
on that parish — he was in the habit of going to house of
Pr. saw him there about the 15 Nov.r last on a Monday —
it was in the evening — on the Monday morng Pr. had
the several articles mentioned in the Indictment ~~and effects~~
were in his trunks — Pr. that left his house a m. for
of Jos Lamontagne — Pr. returned home on the Tuesday
the Pr. was then gone — on looking in his trunk his effects were
gone — Pr. made search for his effects — first about 15 days
after he found one of his shirts, cotton bare, on the Pr.s ~~of~~ premises he knows
to be his property — never found any other of his effects —
values the effects as stated in the Indictment. —

X.

The Pr. was going to work at Lasalle's farm — the P.r was in
the house when he put up his effects into his trunks and
saw them — When Pr. returned home on Tuesday, his son
told him his effects had been stolen — did not say he
suspected the Pr.

Louis Lamontagne — he Nov.r last, lived at Martel junr, at St Roch
he went away on Monday & before going away put up his
clothes

clothes in his trousers, the Pr was present & saw them.
The Pr returned in the evening when Wr was alone —
no other person was in the house that evening but the
Pr — he passed the evening with Wrs — the P. went to bed,
& afterwards the Wr went to bed — Wr went to sleep —
he heard the door shutting dept up, & found the Pr gone,
it was then between 9 & 10 o'Clk — The Wr then looked
into the trousers and found the things gone — The
Wr then considered that the Pr had taken the articles —
the Wr went to bed again — Martel returned home
on the Tuesday — Wr was at Martels, when the Pr
was brot. there after he had been arrested — and Martel
claimed a shirt that was on the Pr at the time —

Antoine Martel fils — lives at St Roch — 2 neighbours to his father
just Wr — Wr had a milk house in wh he had a quantity
of pork — was told it had been stolen, and on exr he
found that about 60 lbs of pork had been stolen —
that some of his neighbours, Duval & Chalifoux, that the
Pr had offered them pork for sale — the Pr was suspected,
& pursued and he was arrested near Lussomption the
same day — father of Wr was wt Wr — there was another
man wd. for. who had a bag wt pork in it — the Pr
resisted — there were only 2 pieces of pork in the bag —
it was pork scalded, echaudé. — That on seeing the
shirt on the Pr the father of Wr recognized the shirt
Pr had on as his property — & on the way the Pr acknowledged
he had taken the articles belong. to the father of the Wr
but denied having stolen the pork — said he would
work for the value of the articles he had stolen. —

That on coming up to Pr Xo he gave the bag to the man who
was with him saying, take your property —

Jean

Franc. Deselle — lives at St Roch — the Pr came to the house of the Wt about 10 Clock in the morng — about 25th Nov last — he knock at door & had some pork in a bag — and asked Wt if he would buy pork — Wt purchased a piece of pork for 8 sols. Pr had about 40 lb in a bag — Pr d. it was a raffle bag & he had got it — the Pr offered to sell the whole to the Wt for 2/6 — the Pr left his pork & went away — that Chalifoux who lives Wt M also purchased a piece of pork for 8 sols also. —

Wt lives about 30 arpens from Martel —

Orlande Vandet, wife of Antt Martel sits — a quantity of pork was stolen out of her Cantine — to amount of 60 pounds of the value of 7½ p lb — Wt never saw the pork after —

Augustin Chalifoux — saw Pr at Dinettes in the night of 26 Nov. bot some of it & gave him 8 sols for it the Pr had more pork in his bag. —

Verdict — Guilty on 1st Indictmt for stealing the property of Antoine Martel, pour Guilty of steal3 to amt of 5/ on the other Indictment.

The King vs Hypolite Leclaire } on Indictment for stealing a Heifer —

Ambroise Valarien, lives at St Ours, he had a heifer, worth 40/ & he kept on his farm at Sorel in this District — That after Toussaint, he saw all his cattle on his land — the Pr who lives between St Ours & Sorel about 1½ league from Wt — That about 9 Days after

after the heifer was wanting — he went in search of him, and made enquiry of the neighbours + and he was told that his Cattle could not get out of his park — That the first person on the Chemin de Legon told him that a man had killed a heifer there — & on further enquiry he found that the Pr. had ferried over a heifer across the River, opposite the houses where he lived & that the heifer was tied wt. the Prs. Ceinture — Was told by Jos. Dupré, that he had bot. the skin of the heifer from Pr. for 5 — On this he went to Tanners at Sorel to see the Skins he had, and on his opening out the Skin he said he had bot. from Dupré — Wr. knew to be the Skin of his heifer —

On this he went to speak to Pr. & told him that the Heifer he had killed was his property, & that he must pay it — The Pr. said he had bot it from a man in Piccardy — Pr. d. he would go wt. him — sent of Servants when they were ready to go — he refused to go — The Pr. however offered 5 dollars to Wr. On this W. went to find the Justice of Peace to make his complaint — while there the Pr. came there & told the J. if he would arrange the matter they might settle it between them but the Justice would not allow any arrangement to be made —

The wife of Pr. is cousin to Wr. The heifer had the right Ear cut, split, and reversed under — When he saw the Skin at the Tanners, the ears were cut off, but the hair

was

was still on it— The Pr said he had paid five dollars and a half for the heifer to the man from whom he bought it.—

Mr. Pelletier adressed the Jury on behalf of the Pr and called the following Witnesses.—

Pierre Fertè— Tanner— It is impossible to know a skin after having been in the lye for three days, if the lye be strong, if it be weak, it may be known, but still difficult to be known— Cannot say— how the skin in question had been

Alexis Giard, is an advocate, has Pr for about 7 years by having seen him— never heard any thing ag[ainst] him—

Verdict. Guilty.

The King
vs
John Dodd

} On Indictment for Grand Larceny—

Simon Stone— lives in Compton, came to Montreal on 28 feby last & put up at Patrick Brenan's Tavern[keeper] he had in money w[ith] him, the same as described in the Indictment, all in bills of Montreal Bank for which he had given value— then he kept in a pocket book— The Wr had his pocket on the table, & he sat down on a bench and put down his pocket book on the bench, he was looking at some papers he then had— While thus situated the Pr came in— he had a basket, and

seated

seald himself on the side the Bull next where the pkt book was — the Pr remd about 10 or 15 Minutes — and about 20 minutes after he found the pkt book gone — he search'd all round but could not find it — Brenan came in, and a search was made among all the people on the house that from the moment the Pr. came in it could be went away no other person had come near when the Pr sat — the Pr was afterwards assisted to bed to Brenan's when Wr accused him, he denied having any knn. of the pkt book Wr went to house of Pr when a search was made — W went into the stable — the roof of P's was Bare — on search in the stable Mr Brenan found among the Dung a number of Bank bills — after this they came into the house & shewed the bills found to Pr. saying here I have found enough of the money to condemn you, You had better bring forward the rest — on this Pr went to a Chest in the room, took a bundle of bills out of a coat he delivd them to Brenan saying — there is the rest I took from you — on this the Pr. was committed — ~~Wr had~~ There were 165 dollars found — there were however 180. in all — the rest has not been accounted for —

x

It was about mid-day when Wr had his pkt book — the Pr came near to Wr. & invited him to buy some of his articles — he handed a knife or two to

Wr

Wm — the pkt book was then by his side — it had been there about ½ an hour the pkt book had been there —

That on going in to Pr's house they saw the Chest in wh the Dr afterwards took the money, and Mrs — took out it for the pkt book but found nothing in it — When Pr — went up to the Chest he opened it and appeared to take the money out of it in a bill — and holding out his hand, said, here's all the money I took from you &, here's the money the whole of that that I took from you —

That the Pr's basket was on the other side of Pr — & the pkt book between the Wm — and the Pr — does not think that the pkt book could have fallen into the basket — did not observe that the Pr changed his position while near the book — did not take particular attention, as he suspected nothing — The pkt book was large enough to cover the bills, so as not to be seen — there was a bond for a deed in the pkt book wh — might have concealed the bills — There was no person near him when he put down his pkt book —

When Dr gave up the money, he pretended that the pkt book had been fallen into his basket — but he had denied having any knowledge of it before this. does not think it probable that the basket might have been drawn near him, while he was speaks to Pr —

The Pr had kept in his basket wh W saw — the basket might be about 2 feet from W — but does not think it possible the pkt book could have fallen into the basket — Does not know that he looked at the pkt book all the time the Pr was near him —

Patrick Brenan, Tavernkeeper in Montreal, his last Wife who
first exp at his house on 28 ~~March~~ Feby last — Wife
has business out side beside his house — That on 1st
March the Wife Stone complained of having lost his
pocket book — Wife told the Lodgers & Stone that dinner
was ready, when Stone complained of his loss — and
asked when the tall Pedlar was that he had got it
as he sat next to him — they searched but found
nothing — There were 2 other Pedlars in the house of
whom he asked who this Pedlar was. They said
they did not know his name, but could point
him out — they went with Wife to several places but
could not find Pr — last they met a young man
his son — arrested him — took him to his house —
he told Wife his father's name was John Dodd
that he & his — went to house of Pr — asked
if Dodd lived there, was told yes — asked for him —
& he was in the yard — Wife went there — and
called 3 or 4 times, Mr Dodd, but rec. no answer
his wife came and called out Jacks — when
Pr appeared & asked what they wanted — the Wife
arrested him — cotton in the Carrots told him he
had taken the pocket book & he had better give
it up — the Pr denied having seen it — Wife
took him to his house & shewed him to Stone, to
who recognized Pr & demanded his pocket book
Wife & his wife had seen him take the pocket
book. Pr still denied it — Stone suggested that
Pr had taken the pocket book — took Pr to the
Police office where he was searched — and

when

he denied having any kn. of the pkt book — asked of wife of Pr — if she had any keys — she gave him some — then returned to Pr's house wh Pr — & asked where the box for the keys. Pr showed him in the kitchen, upon Pr & Wr. searched — but the Wr — found nothg — on this he went to the back buildings, & wt. thro Store and inside the Stable door he saw a little heap of dung upon he found 3 notes of 5 dollr & one of one — City Bank — on this they returned to house & said he had found a part of the money — on this the Dr went to the chest opened it, took out a leather Pocket and wh which upon he gave to the Wr saying there is all I have taken, on this visit the Wr. found 129 dollars of diffr descriptions 1 of 20 — one of ten & the rest in fives & twos — asked where the pkt was, but the Dr said he had made away with it —

Wr. looked into the same chest before going into the yard, but found nothing — when the money was found Wr. observd it was singular that he had not found the money in that chest when he searched there before — the Pr. said he could not, as he had the money in his pkt & had put it in the chest after the first search —

The money the Wr thus found he brot to the Police office, and put his name on some of the bills — same as now shewn — The whole money

2r

he found he gave up to Mr Delisle the Hosp.l Constable —

By Jury. The Bench in his house is rather hollow & the pkt book could not readily fall off it — The Pr never said he had any kn. of the money, until the money was found, when he said that the pkt book had fallen into his basket —

Pr

We did not search the Pr particularly when at the police office — went to several places in search of the Pr — that is the man who had been recognized as having been in his house & suspected to have stolen the pkt book —

Benjamin Delisle, H. Constable. on 1st March last he rec.d a number of bank bills from the last Wn which are same now produced —

Mr Hart for the Pr addressed the Jury on behalf of the Pr & called

John Hester — kn. Pr for about 24 years — has a large family he always enjoyed character of an honest man was surprized when he heard of the present charge at Pr

James McGowan sts Pr for 4 or 5 months, he deals Wn Wn always found him to be an honest & industrious man —

John Donnellan — Kn Pr since he has been in Montreal, always heard he bore a good character — he is an industrious man —

John

John Grant was at Stephen Innis when Brennan came there ~~whom~~ in search of a man who had stolen money — There was no question about a big tall man —

Verdict. Guilty — recommended to the mercy of the Court —

The King
vs
Joseph Picotte
otherwise called
Joseph St Germain

} On Trial for Petty Larceny —

Elie Granger — lives at St Anne des Plaines — On the 28 Oct last the Pr came to his house about 7 a 8 in the evening asking for lodging — had a horse — & he came from Bytown & was going to St Eugenes where his residence was — he suspected — asked to change £30 — he had 4 Bank bills — next day he bot several things — asked for a Shoemaker — had his measure taken for a pr of boots — cannot say whether the Pr went to have him a pr of boots or whether Pr asked for them — but Wr lent him a pr of boots — he went to Mass wr ~~his~~ the boots of Wr after Church did not see the Pr he did not come to dinner — Wr after Vespers went to another tavern at a little distance to see if he was there — & not finding him there he went to his brothers where he was told that Pr had been seen running across the field as fast as he could — The Pr was afterwards found in St Scholastique — which is not the direction to St Eugenes — The Pr told Wr that he had left the boots at a blacksmiths in St Scholastique Wr went there & was told that one Grimaux had come there for the boots — The boots the Wr lent to the

Pr

Pr only to go to Mass with them and until he shd get his own boots from the Shoemaker – Values the boots at 15/.–

Nicolas Doucet lives at St Anne des Plaines – last Wednesday from the Pr had carried off a pair of boots & some other effects – Wn went in pursuit – and when about 8 arpents from him, he called to Pr to stop – he stopt – when Wn came up to him – he asked Wn what he wanted – he tells Pr that he was pursued for having taken away various effects from Eliz Granger – Wn asked for the boots – That Grenier had taken the Pr on his way and had taken the boots from the blacksmiths when Pr had left them –

Defence –

Joseph Archambault – always heard a good character of the Pr until this affair – the Pr's name is St Germain & he lives at Grand de Espral –

Verdict. Guilty.