

1809

Kings Bench. Criminal

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Wednesday 1st March 1809

Present

The Ct. Just. of Judges.

This day Edw^r Bowes, Esq. presented to the Court a Commission under the Seal of the Province appointing him Attorney Genl in the place of Hon^r J. Sewell, now Chief Justice of the Province

There was no business before the Court.

Thursday 2nd March, 1809

Present

All the Judges

Dom^r Rex

Ios: Parent

P^r Parent

On Trial on Indictment for Grand Larceny.

The Indictment charged the prisoners with having on 21st Decr 1807, feloniously stolen

at Isle Perrot	One blanket, value	12/-	St
	1 1/4 ell woolen cloth, value	8/-	+
	2 1/2 d ^r printed Callicoe	3/-	-
	1 hair comb	"	6/-
	1/2 paper pins	"	3/-
	1 skeins thread	"	2/-
	1 handk ^f	"	1/-
	1 ell blue cotton cloth	"	1/- £1. 5. 11

of the goods of one Joseph Cousineau.

The prosecution was opened by the Attorney Genl on behalf of the Crown, and the following testimony adduced.

Joseph

Joseph Cousineau, sworn, says, qu'il demeure en l' Isle Perrot dans ce district - Que le 21 Decembre 1807 il est parti de chez lui dans sa traîne ~~et a été~~ à la Pointe Claire pour y acheter des marchandises, - qu'il a acheté chez le nommé Fred^h Laine les effets suivant montant en tout

à 47. ⁴⁷ 11 ¹¹	Savoir - 1 Couverte blanche à 3 points.	20. ⁴⁷
	1 Aune, Cotton bleu:	2 ⁴⁷
	1/4 de drap foncé	15 ⁴⁷
	2 1/2 do Indienne	6. 5
	1 pergne d'Ivoire.	1. 13
	1/2 papier d'épingles.	15 ⁴⁷
	1 mouchoir, Cotton blanc	1. 10
	4 ells. de fils	8 ⁴⁷
		<u>47.⁴⁷ 11¹¹</u>

Que Mr Laine a tout enveloppé dans la Couverte, et le témoin l'a mis dans une poche sans être attachée, et s'est assis dessus dans ~~la~~ traîne, et est parti pour s'en retourner chez lui - Du en chemin il s'est arrêté chez un nommé D'Aout qui demeure à l' Isle Perrot, pour remettre son fouette qu'il lui avoit emprunté, et ayant entré en la maison il a quitté sa traîne à la porte, ayant premièrement couvert la poche où étoit ses effets sous la robe de bouf qu'il avoit dans la traîne - Que durant le temps qu'il étoit dans la maison il a vu passer plusieurs traînes qui venoit à travers de l'île et s'en alloient du côté de la Pointe Claire - Qu'un moment apres un petit garçon est venu lui dire qu'il y avoit un bouf qui mangeoit une poche près de sa traîne - Que le témoin a été chasser le bouf & a ramassé sa poche qui étoit vide, et il n'a pas pu trouver ses marchandises qui étoient dedans - Qu'il a rentré chez D'Aout ^{pour} demander avis des gens de la maison, qui lui ont conseillé de poursuivre

les voitures qui avoient passées par là - Qu'il les a en conséquence poursuivi jusqu'à la Pointe Claire, chez le nommé Smith le Cantiniere où ils ont arrêtés - Qu'ayant entré chez ledit Smith il a été se mettre contre le poêle, pour voir s'il en connoissoit quelqu'un - qu'il s'est adressé au Pris^z Pierre Parent, sans le connoître, et lui demanda, d'où il venoit, il a répondu des Cedres - le témoin lui demanda ensuite, s'il avoit passé par l'Île Perrot, il a répondu qu'oui - alors le témoin lui demanda, si entre la grange et la maison d'un nommé D'Aout de la petite Côte de l'Île Perrot, il n'auroit pas ramassé un paquet de marchandises - à quoi il a répondu, "je n'en ai pas vu, ni ramassé". - Le témoin a demandé ensuite, si quelqu'un de sa brigade ne les auroit pas ramassé ? sur quoi ledit Parent s'est reviré du côté de Germain Bissonet, et lui dit, "tu n'a rien vu, ni ramassé "toi, ne c'est pas" ? et Bissonet a répondu, non - mais le témoin a remarqué que le feu a monté au visage à Bissonet en disant cela. - Que le témoin est sorti de la maison, et est rentré un peu après, lorsque un nommé McDowell, qui étoit de la même brigade avec les Prisonniers voyant que le témoin paraissait peiné, lui a demandé ce qu'il cherchait, lequel l'informa de sa perte, & qu'il faisoit la recherche de ses effets - alors ledit McDowell en s'adressant aux prisonniers de l'Île Bissonet, mais sans nommer personne, leur dit, il faut rendre le butin de cet honnête homme ici, - je sais que vous l'avez, et en même tems le témoin leur a récité les différents articles
qui il

qu'il avoit perdu, pour qu'ils vinrent à les rendre si
par cas ils les auroient trouvé - alors le prisonnier Joseph
Parent s'est avancé, et a dit, c'est moi, qui a ramassé
les effets, vous ne les avez pas demandé à moi, que le
témoin a dit qu'il ne savoit point à qui s'adresser, ni
savait-il que lui Parent étoit de la même brigade - Ios.
Parent s'adressant alors à Bissonet lui dit, "va rendre
le butin à cet homme, tu sais bien où il est - que Bissonet
est sorti en disant je sais où il est aussi bien que toi - Qu'
avant que Bissonet est sorti led Parent a nommé les articles
qu'il disoit avoir ramassé, (et qui étoient les même que
le témoin avoit perdu,) ajoutant qu'ils étoient tous enveloppé
dans la Couverte - Que Bissonet a améné deux des voitures
qui étoient dans la Cour, devant la porte, et dans les
traines de Ios. Parent il a pris une poche de laquelle il
a versé la couverte enveloppée - Qu'ayant ouvert la
couverte, on n'a rien trouvé dedans, que le cotton bleu -
Que l'adessus Ios. Parent paroissoit bien peiné, et a
dit qu'il falloit chercher les autres traines - Que dans la
traine de Bissonet il y avoit un Coffre dans lequel le témoin a voulu -
chercher, mais Bissonet s'est excusé en disant que le coffre n'étoit point
à lui, & qu'il étoit fermé à clef - quoique le tem. ci bien vu le contraire -
Qu'après quelques paroles, & le refus réitéré de Bissonet de laisser
chercher son coffre, les Pris. sont partis avec lui pour Montréal, disant
qu'ils lui parleroient mieux à leur retour de la ville. Que le
24 de Decembre il les a vus à leur retour de la ville, mais il n'ont
pas donné plus de connoissance au témoin de ses effets - Que
dans le cours de l'hiver après Bissonet est venu offrir de l'argent

au temoin pour arranger cette affaire, mais le tem. ayant dans le tems porte plainte pour la perte de ses effets, a dit qu'il ne pouvoit point s'arranger, sans que lui Bissonet vint à faire arrêter la poursuite - ce qu'il a refusé de faire, disant, qu'il conteroit trop d'argent -

Transquestionné -

Dit, qu'il ne s'est point adressé à Jos. Parent lorsqu'il est entré dans l'auberge de Smith, mais l'a vu assis au pied d'un escalier dans la même chambre - et ce n'est que sur la demande que fit le nommé M'Donnell, que ledit Jos. Parent ~~s'est avancé~~ disant qu'il avoit ramassé les effets, et les nommant les articles en même tems -

Allan Perry

dit que le 2^e. Dec. 1807. il venoit du coteau du Lac en ville, en comp^{ie} avec M. M'Donnell, le nommé Gab^t. Bissonet, & les deux pris^{es} - Que le tem^m. et M. M'Donnell étoient dans la même Cariole - Jos. Parent avoit une traîne, et P^r Parent étoit dans la traîne de Bissonet - Que la cariole du temoin étoit devant - Qu'ils ont passé pres de la maison du nommé D'Aout de l'île Penot, et ont vu en passant devant sa grange un Cheval & une traîne, & un peu a côté du chemin pres de la traîne il y avoit un paqueton et un bouf qui mangeoit une poche - Qu'en passant, M. M'Donnell s'est revêtu & a dit aux personnes qui suivroient, regardez donc ce bouf qui mange la poche - Que Jos. Parent & G. Bissonet ont débarqué de leur traîne, sont ramassé le paqueton, et ils l'ont mis dans la traîne du dit Jos. Parent - Qu'en chemin il a vu les Prisonniers & Bissonet changer de traîne souvent, et enfin ils ont tous entrés dans la traîne de Jos. Parent dans laquelle ils ont continué leur route jusqu'à la Pt^e Claire - Que le temoin a arrêté chez le Cantiniere Smith à la Pt^e Claire, et les Prisonniers & Bissonet aussi - qu'ils ont entrés chez ledit Smith, & Jos. Parent & le temoin ont mangé ensemble - Que peu de tems après, le nommé Cousineau, le premier temoin, est entré et apres avoir resté quelque tems contre le poel, il a demandé, si on n'avoit pas ramassé du butin en chemin - le Pris^e. Jos. Parent

a respondu, non, et se tournant du côté de Bissonet, lui a demandé -
a-tu trouvé du butin toi, lequel a respondu, Non - Que Cousineau
est sorti alors, et Mr. McDowell ayant entré, le témoin lui dit
que l'homme qui avoit perdu du butin étoit venu le chercher
et que ces gens, parlant des prisonniers & ledit Bissonet, avoient
renié de l'avoir vu - Que Cousineau ayant rentré, le témoin dit
à McDowell, voilez l'hom. qui a perdu le butin - L'adversus Mr. McDowell
l'a questionné pour mieux savoir s'il avoit réellement perdu des
effets ou non, et Cousineau lui ayant recité les articles qu'il avoit
perdu, McDowell alors se tournant du côté des Prisonniers & ledit
Bissonet, mais sans nommer personne, a dit, il faut rendre le
butin de cet homme vous autres, vous l'avez - Que l'adversus
Jos. Parent s'est avancé et a dit - Oui - j'ai ramassé votre butin
et on vous le rendra, et s'adressant à Bissonet lui dit, va le
chercher, il est dans ma traine -

x^o

Qu'aussi tot que Mr. McDowell a dit que Cousineau étoit l'homme
qui avoit perdu du butin, Jos. Parent a offert de le rendre - Que
lorsque le pacquet fut rendu il s'est trouvé des articles qui
manquoient, c'est Jos. Parent qui a proposé de chercher les autres
voitures paroissant peiné que les effets ne se trouvoient point en
la place qu'il avoit indiquée - Qu'il s'est élevée quelque difficulté
pour chercher la voiture de Bissonet, mais dans ce moment le
témoignage de McDowell se préparoient à partir -

Defense

Gabriel Leroux, Capt^t of Militia

Alexis Dubois - Chatany

Pre Bougie & Inhabitants

Jean Grout & Inhabitants

{ gave a good Character to the Prisoners

Verdict - Guilty of petty Larceny

Saturday 4th March 1809.

Present

All the Judges.

Dominus Rex

v

Narcisse Sarcault

On trial of Indictment for Grand Larceny.
in stealing from the dwelling house of one Benjamin
Miles Forbes in Montreal, on the 2^d day of October 1808, one
red morocco pocket book, value 1/- — one twenty dollar
bank note, value £4. 10. — One moidore, ~~of~~ value
£1. 7. — and two guineas, value £2. 2. of the goods of
one Edward Evans. —

The prosecution was opened by the Att^y Gen^e and the
following testimony adduced in support of it. —

Edw^r. Evans. That on the 21st Oct^r last he lived at the house of one Benj^r
Miles Forbes in Montreal, as foreman in the carrying business
carried on by o^r Forbes. — That he lived & slept in that house
and kept his goods effects there. That he then had in his
pos. a Bank note of 20 dol. 2 Guin. & one piece of gold
but of what kind he does not recollect, but it passed for
about 6 dol. Kept ^{this money} sometimes in his pocket & sometime
in his trunk, always in a pocket book, ^{which} same now shown.
Knows o^r since Sept^r last — was in habit of being
employed by Forbes as a Clerk, ~~but~~ did not live ^{at Forbes's house} ~~there~~
but came occasionally to write there — That about
the begin^r of week before he lost his money, he went
to walk w^t P^r when he had the pocket book in his pocket
& before going out he took it out of his pocket saying he would
leave it in his trunk. — That

P^r wanted to see ~~it~~^{paying} as he had a similar one. — He showed it, he took it in his hand opened it & saw the Bank Note and pieces of money in it. — That on the ~~saturday~~^{same day} following he put the P. book into the trunk & money then in it — That on Thursday follows he ^{again put the} took ~~put~~ P. book into the trunk but does not know if money was then in it but he had never taken it out. — The trunk was not locked it was in the same room where W^t. slept. — That on Sunday folld. he had occ. to go to his trunk — found P. book gone — regarded Forbes to come by ex. trunk with W^t. both searched it but could not find it — at time could not suspect any person in the house to have stolen it — That there were two persons in the house a servant woman who had access to the room and a Canadian boy, who knew nothing about it. — That conduct of P^r & his ^{attempting} ~~presenting~~ ^{himself} from Mr. Taylor's for a week and a half ^{of being} ~~on~~ Saturday & being absent ^{about a week} ~~from his house~~ ^{when he heard he was with} led him to suspect him — That he procured a search warrant & gave it to Charlton to execute, who arrested the P^r & brought him to Mr. Forbes's Shop in town. That P. came to speak with W^t. & without promise or threat on his part, or on part of any other person as far as he knows, he ^{asked} P^r in low voice, if he had a warrant agt. him & if he had — asked also if it was not a pity for him that such a thing such a thing should happen to him, ans^d he did not know whether it was or not — he then said I confess I took your P. book & what was in it, without mentioning the gold or bank note in it — P^r went ^{to} with Charlton to Forbes's ^{Dwelling} house at col. a Baron, W^t. followed a little behind — P. book worth 2^l. st.

X.

That where his trunk in Forbes's house was in a large room which had no door to it - That there were in the house besides Mr. Forbes Lark a Canadian boy and a servant maid, - That Forbes carried on his currying business at his house & he had one man who was employed in it - That habitants are in habit of going to that Tannery & has seen the boys play about the Tannery - That the Tannery is a wing of the house or forms part of it - That Mr. was employed in this tannery & not in town, the Canadian boy carted the Skins - That he has never been at any dance or place of amusement since he has been in Canada. - That he does not recollect having been out of the house the Saturday previous to his having lost his pocket book - That he never gave P^r to understand he would make any arrangement with him either directly or indirectly -

Benjamin Miles Forbes, lives at Cote a baron St. L. Sub. where he has a dwelling house of he built there - Knows P^r was employed in Sept. & part of Oct. last as a Clerk to post his books of correspondence in English - Knows Evans, the last w^t - who was in his service at same time as a Currier, & lived in his house & there kept his trunk & cloths - That on a Sunday morn about begin^d Oct. last Evans came to him & told him that his p^k book was missing out of his trunk in qth there was a bank bill of 20 dol^b. 2 guineas & another piece of gold of about 6 dol^b. value - Asked w^t

go & search trunk of they did without finding it -
That Wm. said he could "suspect any person in the house
except the P." as no person could have taken it except in the
day time - That Evans told him that P. had seen the pkt
book & what was in it - advised him not to speak of it to
any one else might find it out - That on Saturday before
Evans left his pvt book P. ^{came to the house} ^{said he} was sick & did not return till
the following Saturday, altho' he heard from others, that he was seen
that beginning of week thinks on a tuesday or wednesday after
saw P. go into shop of Northrop & Devitt, tailors, he passed
by another street went home told Evans he that he would
have intelligence of his bank bill very soon
next morn saw Clerk of Cr. L.D. who told him that P.
had been there day before at their store when he had
purchased a hat, for q^t he had paid them in 20 dol
bill - Wm. then told Clerk to retain the bill until
he shd. see it - went there, ^{soon after} but could not see it,
as it was not to be found - That therupon Wm took
out a Search warr. at P. q^t he goes to Marston to
execute - That Marston sent P. to W^r shop when he
saw P. speak w^r Evans, but he spoke low she did not
hear q^t passed - That P. went from shop with Marston
to go to Dr Blaikie's - but went to W^r house at Cole in
baron, & W^r & Evans followed w^r one Fields - That on
his way to ^{W^r} house the P. said without threat or
provocation, that he had done this thing, & was very sorry
for it, by q^t W^r understood that he had committed the
act for q^t he was charged in the warrant - Cleat w^r

saw he was sorry as well as his own a/c as on
that of his family, but could not help it - P^r S^r he had
paid away the bank bill to Northrop & Dewitt for
a hat & P^r. 0 dollars for a pair of pantaloons after
remained he had spent by playing cards with the
Yankees in the Reg. Sub also S^r he had spent something
at billiards - went with P^r into his house. —

Jacob Marston, Constable - in Oct last was charged with a search warrant
signed by D Blake at P^r - That he took P^r who requested
of W^r to go to Forbes's shop, which he did - That P^r s^r he
wanted see Mr Evans & Mr Forbes - That P^r went with
Evans apart & spoke to him in a low voice for some time
of W^r did not hear - asked W^r to go to the door of he did
where he s^r if you will go along w^r me I will give you
the pkt book - That P^r went with Forbes & Evans then
left the shop & came on to the corner of Cavellier's house
where P^r pointed towards Forbes' house L^r the pkt book
is here - That on the way P^r asked to talk to Mr Forbes
wh^r he allowed him to do - That on their coming to the
gate of Forbes' house, the P^r said I will give the
pkt book but cannot give the money because I have
spent it at pley - That went into round the Tannery
and into shed over the tannery in of there was hay, the P^r
thrust it his hand among the hay & drew out the pkt
book now shown - went into house showed the pkt
book to Evans who s^r it was same as he had lost, that
he took it back and made his mark on it so as to know

it again. & it has not been out of his pos. since -

x.

That at time P^r was arrested he did appear to be much affected, until after he came out of Forbes' shop - but afterwards as well as at time he deliv^r. him the pocket book he app^r. much affected - That before he took P^r to Forbes' shop he had no conversation w^t. P^r touching a bank bill, excepting telling him that he was charged with a warrant ag^t him on a suspicion of his having

Moses Northrops, one of the firm of Northrops & Dewitt hatlers in town, knows P^r. That in Sept. or Oct. last. But 2 or three days before he had a conversation w^t. Mr. Forbes touching a bank bill. Purch^d a hat for $7\frac{1}{2}$ dol^s - P^r. gave him a bank bill of 20 dollars, he have him the change of the bill - That Mr. Forbes expressed his surprise that a young man like him had such a Bank Bill, he r^d. that he had been in New York the winter before when he took it & had not had occasion to make use of it since - Cannot say whether it was a note of the United States Bank or New York Bank, but it was a good bill, and was for 20 dollars - That next day he passed the bill to one De Eager - That 2 or 3 days after B. Forbes came to his house making enquiry if he had received a Bank Bill from the P^r. which he said he had but that he had then paid it away -

Defense.

Louis Sarauet, brother of Pris^r dit, qu'il se rappelle de s'etre rencontré le P^r avec quelques autres personnes qui étoit alors pris^r par Marston que Forbes, Evans y étoit - Qu'il s'est approché de ces personnes et leur a demandé ce que c'étoit, que Marston lui a dit qu'il étoit accusé d'avoir volé une poche portefeuille avec de l'or et un billet de Banque - qu'il a alors demandé à son frere pour quoi êtes vous ici, il m'a dit, nous sommes sur le point de nous arranger - Du alors il a demandé à Mr Forbes ce que c'étoit lequel a répondu ce n'est rien, c'est un vol qui a été commis à Mr Evans - alors il a dit à son frere la plainte qu'il y avoit contre lui, et il a répondu qu'il n'avoit point connoissance des pieces d'or, vous pourrez demander à Mr Evans, que sur la demande à Mr Evans de ce que c'étoit ces pieces d'or il paroisoit ne savoir combien cela se montoit - Que sur ce que le P^r lui dit qu'ils étoient là pour faire un arrangement, le tems a portee Marston, êtes vous ici pour vous arranger, lequel a dit, que cela sera mieux de s'arranger cela - Que voyant que Mr Bedard, l'avocat du P^r n'étoit point il ont dit, il faut aller cher D. Blake le Magistral, pour voir si on ne pourra pas arranger l'affaire, ils y ont entres, et le D. Blake leur a dit, que comme il n'y avoit que le portefeuille de trouvé mais aucune des pieces d'or ni billets de banque, c'étoit peu de chose, & a décharge^é le P^r en lui faisant une reprimande - Que sur les propositions d'arrangement qui étoient en lieu alors, le nomme ^{Ed^r le témoin} Evans est venu environ 3 Semaines ou 1 mois apres à l'office du Témoin

chez le pere du Temoin - et a dem. au tem. voudrez vous
me donner cette Argent² a dem. quelle argut - il a dit
l'argent que votre frere m'a pris³ Tem a dit, il ne
vous a jamais pris d'argent. Ev. a dit il ne peut
dire cela a present puisqu'il a avoué - Que l'advers
il est vain il a fait des confessions, mais le P^r m'a dit que
c'étoit sur des promesses d'arrangement qu'il a avoué l'
avoir pris - Que l'advers, Evans a dit, si vous voulez
me donner l'argent je m'en irai dans les Colonies, si
ne ya pas une personne tout seulement arrange⁴ - que sur le refus
du tem. de lui donner l'argent il ut parti - Que
l'Automne dernier le ~~P^r~~ ~~de~~ ~~la~~ ~~beau~~ a été dans les Colonies -
Que le P^r tombé d'un mal, et il se trouve comme
ébloui pour quelque tems apres - et le jour même ^{avant} qu'il
tombé il se sent malade - Que le jour qu'il a été arrêté
il étoit malade -

x

Il est Notaire - Que lorsqu'il ont été chez D^r Blake, il n'y a
pas eu de question d'aucune confession que le P^r voulait faire
ni de prendre le tems pour consulter son avocat avant de
donner sa déclaration - Que le D^r Blake a décharge⁵ le
P^r entièrement, et non pour revenir un autre fois pour
donner sa déclaration apres avoir vu son avocat, - Que le
lendemain le D^r Blake a dit au témoin qu'il déchargeoit
vers les onze heures - Que lorsque le D^r Blake a décharge⁶ le
P^r il y avoit présent, Evans, Marston, le pere du tem.,
Benj^t. Forbes, ~~qui~~ nommé Fields. Chas. Larault, juif du tem.
et de ce qui s'est passé alors il lui a parlé que le D^r
Blake déchargeoit le P^r - Que le D^r Blake a dit

a Marston d'aller au greffe & de demander à M^r Delisle de lui rendre l'accusation - et alors Marston a dit qu'il déchireroit cela, ou il eurroit soin de cela & qu'il sera rien - et n'a pas entendu dire par le D^r Blake de laisser libre le P^r pour ce soin & de le ramener le lendemain pour son examen -

Antoine Lange. con. le P^r. il a dem. chez le tenu en qualité de commis quatre ou cinq mois, pend. lequel temps il s'est bien comporté qu'il avoit liberté d'entrer dans Bon Magazin, & ne s'est jamais appuré qu'il rien ne lui manquoit -

Jos. Nadeau Con. le P^r depuis 8 ans - l'a toujours connu pour un honnête garçon & il appartient à une honnête famille -

Qu'il a entendu dire que le P^r a été à Nouvelle York, & qu'il avoit la maison de son pere

Peter Lukin N^r Pub. con. le P^r depuis son enfance, et il a été élevé dans son voisinage, et n'a jamais rien entendu contre lui -

P^r Sauvage Con. le P^r depuis son enfance, n'a jamais rien entendu parler contre lui, & ses pere & mere sont des personnes respectables -

Peter Ogden was lately at New York - before that time he lived in his father's house to enter into business there - That the time was a Clerk in a Store at New York & the P^r clerk also in a Store there

Gw. O. Radford. Is Gaoler - That he has been in custody during some time, since which time he has had two fits of falling sickness, q^t he observed by his paleness in the next morning, & blood flows from his nose - Never saw him during the fit, but supposed from what he own & heard say by P^r that

John Delisle - That he is Clerk to the Clerk of the Peace - That he has a knowledge that a warrant issued by P^r last fall for a felony -

Edw^r. Evans. - Being again brought up by desire of the Court, says, that he knows the Brother of the P^r. Dr. Tarrant - That about a month after he lost his pocket book he went to his Office to see if Mr. Tarrant would pay him any part of the money, which his father and he had agreed to pay, which was 36 dollars - This the witness had agreed to receive provided he could make up the master - That this offer of arrangement was made after the P^r's confession after the pocketbook had been found, & after they had been before the magistrate -

Jacob Mansfield - confirms the latter part of the above testimony as to the time of finding the pocket book. -

P^r Counsel. That the Indict. cannot be supported but ~~only~~ from confession of P^r and that confession is suspicious - in law and in fact insufficient as it does not go to the capital part of the charge, vizt. that he had taken the pocket book in the dwelling house . -

Verdict. Not guilty of stealing from the dwelling house, but guilty of Petty Larceny -

Monday 6th March 1809. —

Present.

The Ch. J. & Justices Panet & Reist. —

Dominus Rex
or
Charles Kett, &
Patrick Shields {

On trial of Indictment ag^t. Defend^ts for an assault
with intent to murder. —

Fleury Delisle

Dem. au fb. H^t. Aut. près de la maison du nom^r Castongué — Que la nuit
du 14 Decemb. der. entre minuit & 1 heue, il a entendu du bruit pres
de la maison du dit Castongué — il s'est levé & a été à la porte de la
Cour ^{mais il faisait clair de lune} Castongué & regardant à travers il s'est apper. de deux
soldats dans la petite rie, dont un il a reconnu etre le P^r. Pat. Shields
Qu'en ouvrant la porte de Cour il a ent. dire aux sold. "we will
be known, or we are known" alors ils s'en furent par la petit
rie près de la maison de Castongué — Qu'en regardant par la
porte de Cour il a vu ledit Shields qui avoit un Sabre à
la m. avec bag. il frap. Castongué & l'autre sold. avoit un baton
& son bay. tiré à la main & a frap. un fois avec le baton —
a vu Shields frapper 3 fois ^{avec toute la force} avec le Sabre — a couru à la grande
chambre du Secours pour arreter les Pois — en meme tems a vu
Mr Pak. Nowlan. officier de la garde qui lui a demandé ce qu'il
cherchait & sur la rep. du tem. il envoya un Corporal avec
lui, et ils ont arrêté Kett, l'autre a été arrêté par l'officier
Nowlan — Qu'en arrivant chez lui il a vu une piece de bois
tiré au travers de la rie, qui avoit été du psg^r. de la maison
et il a été chez Castongué ^{villa} de Castongué — vu Castongué qui étoit bien maltraite —
pour le preuvi^r ~~de son~~ son bois, et il
s'est son fut alors se couché — Que c'est aux crues de meurtre & le bruit des coups qu'il s'est
levé

levé - Que Shields avoit un hab. de gant - l'autre avoit
tout son uniforme - Que ces soldats se retrouvent dans le voisinage
du bûcheron & logent chez un nommé Trudeau - que la maison
de Trudeau est celle plus près du Pont St. Antoine -

In B^t. Gastonque dem. au fr. St. Ant. de cette ville - Que la nuit entre le vend. & Sam. le
2 Dec. dern. il a été réveillé par un bruit dans la rue & les étuis qui
jappaient dans sa Cour, est sorti vers un - rencontré - entendu cogner
à sa fen. Sa fen. l'a ouvert, et il a entendu Mr Fl. Delisle dire, ma
mme m'envoie pour vous dire que les soldats volent le bois de votre
maison - il s'est habillé & monté au 2^e étage de sa maison, & en
regardant par la lucarne a vu deux sold. apres le bois - dont un
étoit déguisé, mais l'autre ayant son uniforme ordinaire, lui
a fait croire qu'ils étoient tous deux soldats - qu'il les a vus
prendre le bois, et il leur a crié par la fenêtre, dont, that's mine,
that no bon to thief, qu'ils lui ont répondu, mais il n'a pas
compris ce qu'ils disoient, mais donnaient à entendre qu'ils
voulloient remettre la pièce qui les faisoit tomber, & ils ont remis,
mais sans partir eux même - qu'il a descendu & a pris une bonne
Canne, plus grosse que la pouce, & sortit, et a été leur trouvez,
et leur ripeta ce qu'il a dya, que le plus grand tir a son
épée & le montra, en la mettant a environ à six pouces de leur
visage mais sans lui faire de mal, le plus petit en même
tems tira sa bayonette & la approche de visage du ten. &
a cogné sur la Canne du ten. disant for what, that - Que
le ten. ne leur a rien répondu, & il sont partis ^{le petit} par la petite
rue qui gagne le faux boulevard des Recollets., et
le grand a pris le chemin de la grande rue du fr. St. Ant -
Que le ten. a été chez Trudeau, où il loge des soldats pour
leur donner connoissance - il a cogné à la porte, & on l'a ouvert,

* les habits d'une femme qui avoit ouvert la porte intérieure - 2u' en entendant sa voix,

2u' alors il soupçonna que c'étoit ces mêmes soldats qui démenaient la qui vouloient prendre son bois, et

* intention comme si il vouloit inciter l'autre à se jardire avec lui pour frapper le témoin.

le tems a demandé à entrer, pour leur dire qu'ils y avoit des soldats qui vouloient prendre du bois - ^{qu'il a vu de la lumière} on a éteint la lumiere et personne ne lui a répondut - se croyant alors en danger il s'est parti par un dehors pour rentrer chez lui, qu'il n'avoit pas fait ^{la vu sous la main duz hom & le plus petit} 5 pas lors qu'il a entendu un bruit. crié apres lui, what you want - tems a rps. nothing, nothing - ^{2u'ils sont venus apres lui & le plus petit} a com. a lui donner des coups avec un Canne, que le tems s'est retiré toujours vers chez lui en se défendant, & avoit reçu au moins 12 coups avant qu'il ait cherché de se venger - Que le grand soldat étoit présent en même tems mais ne ^{lui} faisoit pas de mal - que le petit se jeta par terre ^{comme si on lui avait frappé & avec} & commença à crié lorsque le plus grand donna des petits coups pour le faire relever, qu'ebant rendu près de chez lui les deux se sont mis devant lui ^{duant bouché} se parta de maniere qu'il ne pouvoit point rentrer, alors il s'est déterminé à résister - Que le grand lui a donné deux coups avec son Tabre tré, & le petit frapp. toujours avec son baton, le tems se dif. De son mieux avec son baton aussi - Que n'ayant plus de force pour se défendre il se retiré chez ses voisins & a crié au meurtre que les soldats ne l'ont pas suivi - qu'il a perdu de connoissance & ne peut dire ce qui s'est ensuvi -

x?

Qu'stant un peu ému, il avoit pu coigner fort à la porte de Trideau, mais croit avoir cogné décentement - croit avoir frappé bien fort sur les soldats avec son baton - Que son baton étoit suffisant d'assez gros pour tuer un animal -

Marie ~~de~~<sup>1^e Auclair. femme du dom. tenu. Que le premier bruit qu'elle a entendu c'est
M. F. Delisle qui coigne à la fenêtre, elle l'a ouvert, & il lui dit
qu'il fallait veiller à son bois comme il y avait des soldats
qui rouloient le rouler. — Que Cartongué s'est levé & a monté au grenier, où il
a crié aux personnes qu'il voyoit en bas de ne pas prendre son bois, qu'il leur remis
le bois à sa place, mais il n'ont point quitté la place où ils eloquent. —
Que son mari a pris son ~~mais~~ baton & sortit, et peu de
temps après a vu passer Cartongué devant sa maison, et aller
cogner chez Trudeau, que le tenu. étoit sa porte, & vit sortir deux
hom. suivre Cartongué qui revenoit, & le plus petit crut, what
you want, what you want. — Cartongué répond. nothing. — Que
les hom. lui coupèrent le chemin, & elle a vu le petit se
jetter par terre & faire des cris comme si on lui aurait frappé.
Que sur la réponse de son mari le petit frappa les deux au trois
coups avec un Canne avant qu'il s'eût jeté à terre. — Que
le grand s'est alors avancé & donné des petits coups au
petit qui étoit à terre comme pour le faire relever. — Que
le petit se leva, il com. encore à frap. Cartongué, qui prisonnemant
toujours a gagné sa maison, qu'il étant arrivé près de la maison
les deux hommes ont bouché la porte pour empêcher Cartongué
de rentrer, & alors le grand a donné des coups avec son Sabre
alors Cartongué a crié au meurtre & a commencé à se défendre
en frappant avec son baton sur les deux hom. qui elle a crié
aussi au meurtre. — Que Cartongué s'étant sauve du côté de
Mme Delisle, les deux hom. le suivroient, alors elle est sortie avec
le tisonnier du poel, pour les frapper, mais ne se souvient
pas d'avoir frappé, mais en y approchant Mme Delisle à mié ch.
Madame Cartongué, prenez garde, il va vous fendre la tête, avec son sabre,
alors elle s'est sauve chez elle & a tiré la contre porte après elle & le coup a
tombe sur la porte. — Que Cartongué avait plusieurs blessures & étoit baigné en son Sang. —</sup>

Patrick Nowlan. Officer in 100th. Regt. That on morning of 2 Dec. last he saw Mr. Delisle who was enquiring for assistance of a Centry, for soldiers who were making disturbance in the St. Ant. Suburbs - That he took a Corporal with him to a house in the Suburbs and in a 2^o or 3^o house went into house where he saw Castongue lying covered with blood - That enquired of 2 men whom men has taken, & was told by Corporal that he observed them in the field by the St. Ant. Sub. told Corp. to follow them - upon seeing such a Corp. going towards them they began to run away, - the first man who came up with was Mr. Kitt, who was somewhat in liquor, he took stick from him, & he left his bay^t. fall of which was taken up by the Corporal, the bay^t. was out of scabbard - The other man was disguised in a round hat & nankeen coat, he followed him - gave Kitt in charge to Delisle & another man took him - That when he took him he was in the Regimental undress, wh^t was different from the dress he observed ^{the man} to have on when he first saw ~~him~~ in company with Kitt - had a Sabre - appeared to be same figure, - he lost sight of him a few minutes in turning a street - but in looking into a small yard he saw Dr. Shields, & took him - That Sabre is not the usual arms of a ^{common} Soldier - Upon being charged with hurting Castongue, they both said, that they had done nothing they were afraid of - That when ^{the} ~~he~~ went up to take ~~him~~ Shields, he wanted to escape by defending himself -

That he ~~cannot say~~ saw no Sold^e near Castongue's house when he came up to it, - and when he pursued Kett, he saw another person whom did not know, & whose dress was not the same as that which Shields had on when he took him, nor can he swear that Shields was the man who was in company w^t Kett, when he pursued them. - That Kett had perm. to lie out of Barracks but does not if Shields had - Knows Kett since 3 years, always known to conduct himself very well, was surprised to hear of his conduct in this respect -

In B^t Hérigaud. chir^r appelle le nuit entre le 2 & 3 Decr. d'aller voir Mr Castongue, vers minuit ou 1 heure - il y a été, et l'a trouvé baigné dans son sang, avec trois ou 4 coups de sabre ou quelque instrument tranchant sur la Crâne, & il a été ^{qui se reposent du combat sur} de os ^{de} un de ces coups - & un coup de Sab. sur l'avant bras gauche qui a coupé le cartilage & les tendons jusqu'à l'os - il a tenu ses blessures - a eu sa vie en danger - que Castongue est encore estropié, & il aura toujours beaucoup de difficulté de se servir de ce bras -

Defence-

Morris C. Nowlan Officer in 100th Regt - knows P^r Kett, since the Regt. was raised always behaved well, & had greater indulgence than the other, mild temp. Not given to drink - much surprised when he heard of his conduct in this instance - Knows little of the other Soldier - when on duty, he always behaved well -

Joseph Cardinell, voisin de Castongue, & voisin de la maison où étoit logé les
deux ~~Pris~~ n'a rien entendu contre leur conduite jus qu'à cet
affaire -

Charles Dawson Capt. in 100^t Regt knows Mr Shields for a considerable time,
who belongs to his Comp^t he is a good soldier, always
behaved well - That about beg^t of Decr last he had leave
from the Command^s off^r to sleep out of the barracks - Knows
nothing of the other pris^r. I was much surprised to hear
that he was concerned in this business -

DeHearne Dr Master in 100^t knows both the ~~Pris~~ more particularly Kelt
who he always considered to be of best possible conduct, & he
would place greatest confidence in him - That being a
taylor Mr Kelt had occasion to know more of his conduct -
never heard any thing of Shields till this business -

Verdict. Guilty. -

Tuesday 7th March. 1809

Present

Ch. Just. & Justices Panet & Reid.

There was no business before the Court

Wednesday 8th March 1809

Present

Ch. Just. & Justices Panet & Reid

Dominus Rex
Frank Ricard

On trial of Indictment for Petty Larceny -

Franc. Cadoret que vendredi passé étant chez un nommé Lyle en cette ville
forblantier a vu le Pr^e ^{s'arrêter} dans la porte de la Cour du nommé
Simpson. Cantemer, où y avoit un sled americain avec des effets
dedans - voyant venir trois sleds venir du côté de la rivière
il a fait semblant d'uriner, aussitôt que les sleds étoient passés
il a pris une poche qui étoit dans le sled - avant que de
prendre la poche il a regardé de tout côté - qu'il ~~se~~ ^{se} fût
mis la poche ~~toute secouée~~ sous son bras, & étant rendu à la
petite Rivière il l'a alors mis sous sa vêdingotte, - il courroît
que le tems a rié après lui, écoutez, écoutez mon ami, mais
voyant

voyant qu'il ne faisoit pas d'attention il a couru apres
lui & l'a attrape - qu'il lui a dit, vous avez du butin que
me vous appartenent pas, il a rps. comment cela, que le tem
est, si le but. vous app. vous ne vous sauverez pas si vous
+ disant quil n'en appartient le P^r. l'a pris de la gendarmerie, & a offert de rendre le
pas prononce, & laisse butin qui étoit une poche avec des effets dedans - qu'il
l'a mise chez M^{me} Chabot il le déposoit a qui il a en
meme temps livré la poche avec ce qu'il y avoit dedans —

x?

Que c'étoit au travers d'une porte vitrée qu'il a vu le P^r prendre
la poche - pouvoit voir qu'il y avoit des biijou dans le sled
mais ne pouvoit point les distinguer — Que lorsque le P^r
a pris la poche, il ne savoit pas que c'étoit une poche, ou
qu'il y avoit des effets dedans, mais seulement l'a vu prendre
un paquet —

David Mayo That on Friday last he purchased a box of segars & a pound
of raisins in Montreal, p^r 20^f. for the segars £ 1/3 for the
raisins - put them into a short bag similar to one now
hereon, put the bag among rest of his bags in McBartys
before going out of town, he put same into his sled with
the other bags - put the small bag on top of other articles
he drove his sled to a street on south side of market place
near a tin man's, where he left it in the street, tied his horses
to a gate & went to a watchmakers at a small distance -
that he was gone about five minutes, & on return to his

sled

he threw back buffalo robe which lay over it, & immediately
missed his bag with its contents - That a gentleman came up to him & asked
if he owned sled, he s^t? he did, he then asked him if he had
missed anything - & he had lost a box of sugar a pound of
raisins in a small bag - told him that a Canadian had
taken it, & had been carried before Mr Chabotier the
Magistrate, & told him he, the W^t must go there too - went
there & saw his bag, q^t he verily believes to be same now
shewn, as far as he can judge from its appearance, has no
doubts in his mind but it is his - box of sugar being
shewn, says he verily believes same to be his, as well as
the pound of raisins, knows the paper & the knot
he tied with the string he got from Mr. McCarty -

*

John Delestle

Clerk to the Clerk of the Peace, That on the 4^t of this month
he received from Mr. Cadoret, the first witness, the bag, box
of sugar & pound of raisins, now shewn, q^t have been in
his possession ever since -

Daniel McCarty, keeps a store in town - recollects having sold a box of sugar
to the W^t Mayo on Friday last for 20/- Having examined
the box now shewn, says, that he believes it to be same I sold,
from size of the box, the paper over it, the manner it is tied
and believes it the same he sold to Mayo -

L^e. Chabotier -

Just of Peace - That on Friday ^{even} last the W^t Cadoret bro-

the

for saying he had stolen certain property. At same time delivered a bag, a box of Tegars & a pound of raisins that he recognized the box, from a mark he then put upon it, but not the other things - That he delivered the articles to his Clerk, & sent him to Gaol, as it was then too late to take his examn -

- Defence. -

Jean Desforges. connaît le P^r depuis environ 30 ans, ne l'a jamais connu un esprit fort, "pas même pu tirer aucune bonne raison de lui partiellement depuis deux ans - qu'il a entendu dire qu'il appartenait à très bonne famille, mais quoique cela, il courre toujours dans les rues - a entendu qu'il a été déguisé comme étant fou - Que le Témoin l'a quelques fois questionné pour tâcher de tirer raison de lui, mais il n'avoit de suite dans son discours

L^t.
Que le P^r est taillleur - passe pour un homme qui boit depuis deux ans - mais sauf ou sobre il n'a pas de suite dans son discours, n'est pas si fou a ne pouvoir distinguer entre un boete & un chapeau - Croit que le P^r avoit pu prendre les effets en conséquence, même à jeun, sans en savoir les conséquences, ou le mal qu'il faisait - mais ~~n'y est bien que~~ ^{n'y est bien que} ~~assure point~~ ^{assure point}.

Mme Boissy - con. le P. dep. 7 ans. et venus pl. fois s'offrir a trav. mais a vu par son discours qu'il étoit un imbécille, & point en état de faire de l'ouvrage - Croit qu'il a l'esprit dérange^e -

x
Pour le P^r pour l'avoir vu rouler dans les rues - s'est adressé au tems 8 a 9 fois pour l'engager à travailler -

Par Cour - Qu'il pas publiquement pour un imbécille & tous les homs, au nombre de 20 l'ont dit, ce qui a empêché le témoin de l'en agir -

Jean Cousineau con. le P^r: qui n'a pas d'asile, mais court toujours, mais
particulièrement depuis ^{un an} qu'il a perdu sa femme. qu'il a été
décharge de dans les troupes pour son - le bœuf. a soin de ses
enfants depuis le mort de sa femme. & il n'est pas venu depuis faire
les voix depuis qu'il a l'esprit dérangé -

Qu'il ait courri du P^r ^x que Relle P^r ne soule quelque fois,
mais ne croit pas que la boisson soit la cause de son insécurité -

Verdict - Not Guilty.

The King
v
Fran^s. Rousseau

{ On charge a^t the pris: for enticing a Soldier to
desert -

The Atty. Genl entered a Nol: Pros. on the Indictment
owing to the absence of P^r Relle a material witness -

The Attorney Genl moved that s^r P^r Relle should
be called on his recognizance, when he made default -
he then moved that his Recognizance should be estreated
q^t was granted -

Friday 10th March. 1809

Present
all the Judges - except Mr O'Brien

Dominus Rex
Narcisse Larivée

Judge - House of Correction for 18 months

Dominus Rex
I Chas^r Kett
Joseph Parent
Patt^r Shields
Pierre Parent

Judges - Imprisonment in Gaol for 2 years
a Pillory on Friday prior to their
Discharge -

Dominus Rex
Joseph Parent
Pierre Parent

Judge - House of Correction for 6 months

September Term 1809

I was absent on a trip to the United States &
Upper Canada, during this Term.

March Term 1810.

In consequence of His Majesty's having entered
the 50th Year of His reign, a pardon issued to all the
Prisoners & persons charged with Crimes & Offences in this
District, under which several persons were discharged
and no business appeared before the Court -

September Term 1810

Monday 3rd Sept.

Dom^r. Rep
Joseph Girard

On Indictment for burglary.—

The prisoner moved to put off the trial under an affidavit of the non-attendance of two witnesses by reason of sickness, whom he stated to be material for his defense.

The Court were of opinion that a general affidavit was not sufficient to put off the trial, that the particular facts ought to have been stated which constituted that defense — as the pr^r was aware of the nature of the charge against him & the day of his trial —

Afterwards it appears that one of the witnesses was so ill as to be unable to speak, by the affidavit of Dr. Arnold a day was given to produce further affidavits —

Charge — that on 30th April last breaking the dwelling house of Samuel Walker in the parish of Montreal & stealing, one pair of boots commonly called Snarrow boots of the value of eighteen shillings &c one black leather seal skin of the value of three shillings & two rolls of black ball of the value of six pence — of the goods & chattels of S^r Walker —

Tuesday 4th Septr. 1810

The King
Charles Lawson
J. B. Corbeil
Ant. Corbeil
Fr. Dav. Charpentier

On trial of Indictment for grand larceny.

The King
Prisque Barret

On trial of Indictment for Stealing ~~privately~~
~~onmonsieur quebecois~~ — in a Shop above St.
St. 39. Eliz. ch. 15.

The prosecution on behalf of the Crown was opened by
Mr. Léveillé, Sol. Genl.

Jac. Dorion, march^d à Terrebonne, que vers le 5 Mars der. app. vol beaucoup
d'eff. dans son mag. part. des châles — des rubans, mousseline
souliers, chapeaux — Que le pr^e étoit à son service dans le temps
Chap. neuf sur la tête — pris informé — chapeau acheté chez un
autre march^d — en montant sur le ^{ravalllement du} Fannier app. 2 bout.
deux châles, 1 pr^e de soulier — le pr^e quides — a été se consulter
a été conseillé de remettre les eff. à la même place — alors que —
Le lendemain a été chez Mr. Jordan dem. chapeau pluché — non —
n'en avoit point à vendre — Que le jour après les effets ont
été enlevés — fait la recherche dans la maison du pr^e trouué un
liv. de roulette — la fait prendre — le pr^e a appellé le tem.
dans sa Cour & lui dit qu'il avoit regrett d'avoir volé ses
effets & qu'il alloit les remettre — qu'il a monté dans le
fannier & a délié plusieurs bottes de fourr. — et enfin a trouvé dans
une plusieurs effets qu'il a avoué d'avoir pris dans son magasin, ^{sous}
~~avoué~~ 1 onz. roulette de cotton
ch. pluché 1 soulier — pr^e de guides. 3 bout.

2me vers le 28 Mars à l'
a été amener chez M^r M^r Henry
magistrat, & sa dep. a été
prise -

a reconnu s'avoir entré dans son mag. en défaissant la
tringle ou il y avoit en un poche dans la cloison, & que
c'étoit là qu'il avoit pris les effets - Que le tringle étoit cloué
sur les planches & même il y avoit des clous dans le planches,
et qu'il falloit de la force pour entrer par là -

x

Qu'il a retenu le pr. dans son service jusqu'au mois de Juillet
dans l'espérance qu'il avoit pu retrouver lui les objets & effets
qu'il lui avoit volé. auquel temps il a déserté de chez le temoin -

Etienne Dorions - fils du dern^e temoin & clerc chez lui depuis l'année dern. con.
la mag. sur les chalets produit - il y en avoit 4 dans le mag - & un
manquoit - Qu'il étoit p. lorsque le pr. a été. qu'il avoit entré
dans le mag par le trou ou poche pour prendre les effets, sans dire quels
effets - Dans le con. des effets montés app.

Jac. Dorions Ayant été rappelé & lui ayant été demandé ^{ce qu'il a fait des} ~~ce sont~~ les effets qui lui
ont été volés, dit, qu'il les a remis dans son mag. les chalets & les souliers il
a enveloppé & mis au fond d'une valise, et les chalets produits sont les mêmes
que le pr. lui a rendus - les souliers ont été vendus sans sa connaissance.

P^r Sefort Huissier - que le 27 Mars il a eu un warrant pour arrêter
le pris. Que le pris. a avoué d'avoir volé de M^r Dorions un
p^r de soulier, 1 p^r de gredes, un chapeau & 4 bout - qu'il a été
cherché dans le premier de M^r Dorions, en lui demandant pardon
a avoué d'avoir entré dans le magasin en levant une planche

x

Que le chapeau a été trouvé dans le coffre du pris. et M^r Dorion
a dit au pr. que si il voulait avouer les autres effets ^{et l'autre} qu'il lui
avoir volé il n'y aurait point de poursuite faite contre lui
mais le P^r a dit que c'étoit tout ce qu'il avoit pris -

Louis Cabana

A été appellé par le huissier Sefort l'a appellé comme témoin
lorsque le P^r a rendu les effets - que le pr. a monté au grenier

et a rendu 1^{re} de guids 1^{re} de souliers 3 châles & 4 bout-
et dans son coffre on a trouvé un chapeau - lesquels articles
il a déclaré avoir volé dans le Magasin du Mr Dorions -

It was objected on the part of the J^ris: that no value had
been proved of the articles stolen -

It was given in charge to the Jury that the J^ris: could not be
convicted of stealing privately from the Shop, as it appeared that
violence had been used in getting into it - That as to the
value of the articles, the Jury must judge thereof from the articles
produced, although no value had been sworn to by the witness -

Verdict - guilty of petit Larceny -

The King.
n
Charles Lauron }
J^r B^t Corbeil
Ant^e Corbeil q.
Fr^t Cl. Charpentier

On trial of Indictment for grand Larceny.

Mari. Ann. Raymond femme de J^r B^t St Pierre - D^re dans le mois de Juillet ~~vers le~~
~~20~~ en l'an de vendredi sa fille est venue lui dire qu'elle aurait
été volé - ~~qu~~elle aurait vu les prisonniers à la maison. - Qu'ell^e
a été chez les prisonniers Lauron & Charpentier qui demeurent chez
le p^r du d^r Charpentier - le Mr. Lauron a dit qu'il^e avait
a mené l^e d^r aller chercher en cou - 9

ont été chez Mad^e Bourassa qui avait acheté une paire de souliers & un mouchoir - qu'el^e l'avait acheté des petits garçons mais alors Lauzon a dit pardon -

après le petit Lauzon l'a ensuite mené chez Mad^e Perrault qui avait acheté un quart de chemise d'Indienne, laquelle l'a rendu et le tem^s a payé 56 sols - que led^r Lauzon a indiqué chez Mad^e Aymond où il avait vendu le cotton blanc - mais comme elle n'était point à la maison elle n'y a point été - Que Mad^e Athanase avait acheté un mouchoir - et Mad^e Rochefort ^{un corps de} ~~les~~ chemises d'Indienne & le restant de fourniture de chemise & un chale - Que les deux dernières fem^e ont rapporté qu'elles avaient acheté - & le lendemain Mad^e Aymond a rapporté ce qu'elle a acheté -

~~reconnait les art. manut.~~ Estime^r les chemises à 15/- les 2 chemises d'Ind. 10/- trois chales 7/6 - ~~produit à les~~ 1 pr de souliers 2/6 - estime^r les peines & gravats en tout à 6 sols - a remis les effets aux magistrats le mardi 2^{me} Novembre lors de l'examen des ^{cri^s}

Josette de Pierre Que dans le mois de Juillet dernier ^{elle a pris} Lauzon, Charpentier, et le plus petit des Corbeil ~~sont venus~~ à la maison, demander de la cendre - dit qu'el^e n'en avait point - Qu'el^e ^{tout} parti de la maison pour porter le dîner à sa mère ^{à son retour} lorsque elle a vu le 3 juillet rôder à l'entour de la maison - elle leur a demandé ce qu'ils cherchaient, ils disaient de la cendre - que dans le tambour elle a trouvé un paquet & un vêtement rouge - Reconnait les effets devant la Cour pour appartenir à son père -

Josette Ladouceur femme d'Athanase Normandeau, des ~~de Paris~~ ^{sont venus} ont passé le pont en venant vers la maison du tem^s - que Lauzon & Charpentier ont entré & Lauzon qui avait un paquet, a vendu un chale au

au temoin from 40 Sol - que peu de temps apres ayant su que
St pierre avoit ete volé, elle a rendu la chale à Mad^e St pierre
Que sur sa dem. si la chale n'etot pas volé, et a dit, non mais
c'est Mad^e. pennison qui m'a donné pour vendre
pennison

x

Que Lavozon a dit qu'il avoit encore des vêttes vertes, mais comme
elle n'en avoit point bavoir, elle ne

Amable Alinotte fm. Bonassau - a vu les pris^s un vendredi en Juillet dernier,
sont venus, a la maison demander s'ils voulloit acheter du butin
que c'etait le petit Lavozon qui vendoit - que sur la demande
si le butin n'etait point volé - il a dit qu'ils appartiennent à Mad^e. Pennison

Que le butin achete un chale 40^s & 1 pr. soulier 1/3 - Qu'elle a rendu
les souliers à Mad^e St pierre environ une heure & demi apres
qui est venue demander si elle avoit achete quelque chose de
son butin -

x

Que lorsque Lavozon a demandé 40 Sol pour le mouchoir
il a demandé au petit Corbeil ut ce arro^t cher? Corbeil a
répondu, ce n'est pas de mes affaires -

Josette Plouffe Rochefort - Du un vendredi en Juillet dernier, les 4 pris^s
sont venus chez elle, & un avoit un mouchoir à vendre - ils
ont entré - elle a offert 40 Dh - apres avoir parlé ensemble
elle a eu le mouchoir - elle ils ont offert de l'huile pour
a vendre mais elle n'en a pas acheter - Que le lendemain
elle a rendu le moult. à Mad^e St pierre -

D'elle a demandé au plus grand des Corbeils d'où ils
avaient eu ce butin, il a dit, c'est mad^e Pennison qui
nous l'a donné à vendre — Mais que c'est le jeune Lawzon qui
l'a vendu le mouchon —

Marie Lapierre Clément — Qui a vendu en Juillet dernier, elle a vu
les pris. arriver chez Mad^e Bourassa sa voisine avec une
petite charrette à un poche avec des effets dedans — Que le tenor
a acheté du petit Lawzon la 4^e chemise de cotton pour 5^{fr} 2^q
elle a dit au plus grand des Corbeil c'est bien cher — il a dit
Mad^e arrangez vous avec lui ce n'est point

Célesti Lagrave Perrault — un vendredi en Juillet les pris³ sont venus
chez elle dem. si elle vend. ach. du butin — Ils n'ont point entre
dans la maison mais étoient devant la porte, le petit Lawzon
parla — elle a acheté de l'Indienne pour laquelle a payé
5^{fr} 7^q sols —

Jacob Marston. Constable rec^d. the articles now shewn from Mr. Mondelot
a magistrate, shes kept them carefully locked up since —

In Ph. Lefebvre. magistrat — a pris les examens du pris³ avec Mr. Mondelot
que les effets alors produits ont été remis au commettant —
Marston — Que les examens ont été pris sans menaces ou
promesses — Et les confessions d'Antoine Corbeille et
In B^r Corbeil — which were read —

Defence

Object: to the confession of prisⁿ or to their knowledge or discernment between good & evil from their apparent stations
q^b: ought to have been proved by Prosecut^r in all cases under twelve years, & not left to prisⁿ to shew their want of capacity -
city States P. C.

Verdict guilty of Stealing to the amount of 10/-

The King
Tho. M^r C^ray } on Indictment for Robbery.

Fran^r. Germain. a vu le prisⁿ. - Que le 27 Juin dernier environ 1^{er} heure de soleil l'a vu dans un chemin dans un bois qui mene a la pot au beurre - qu'il a demandé a qu'il avoit sous le bras qui étoit son pain - retourner avec lui a ' 4 quart^r - l'a disparu - l'a rappelé - est venu le rejoindre, n'est mis devant lui dem. s'il avoit de l'argent, - non - l'a fourré - il a voulu lui donner 2/- pour le laisser aller - ~~et~~ s'est fait faire - n'a pas voulu, & croyant contre

son gousset il a decouvert qu'il y avait quelque chose
et alors ^{tenant sembleant de} ~~tenant~~ ^{le laissa} sa bayonette - le tem. ayant pu tirer sa
^{de la poche,} ~~assise de sa main~~ et carrant la
corde avec les dents a enlevé l'argent dans sa main, —
En regardant le pris^e dit pos. que c'est lui qui la volé —
il a remarqué son visage pale avec des cro^s rouge un grand
homme — habillé en blanc — Qu'il avoit environ quatre ou
cinq piastres — ayant pris son argent il a fait retourner le
temoin au pot au beurre — mais ayant fait un peu de chemin
il a retourné & est venu à Sorel où il a porté plainte —
Que le lendemain les soldats étant assemblés le Officier a
dit au tem. de marquer le soldat qui lui aurait volé longue
le tem. a marqué le pris^e lequel il a reconnu très bien —

X

Pouvoit étre distant 25 ou 26 arpens des Casernes — dans
la petit chemin qui mène au pot au beurre — étant un chemin
public — par le detour qu'il a fait ayant pu arriver à Sorel
vers Soleil couché — n'avoit point pris de boisson ce jour
la —

Défense

David Bard. Sept. 49th R^t was on the parade on the 28th inst last
when soldiers at Sorel were paraded for the inspection of St
Germain — did

Saw P^r the 27th before a little before Six — ^{saw him at a house} dressed for parade — saw
him also on the parade — parade continues about 20 or 25 minutes.

Saw

saw him at same time ^{before} about seven o'clock as he is now but no fresh on - That P^r S. There was a man at Shoults who owed him money - saw a man there give P^r a dollar & some small pieces - Knows P^r for 13 years - has had character of an honest man -

X
That it might have been about an hour & an half sun light after he saw P^r

John Albert. Sol^o. of 49^b was in same room w^t P^r on 27 June last with 3 other soldiers Kelly, Warden & H^r Smith - That two or 3 minutes before Seven saw him take off his side arms, after q^t saw him go swimming with two other men, & afterwards saw him off & on till about a q^t before nine when the Officer came for him bathing ~~opposite~~ opposite the barracks - Seen from left room - Knows P^r for 5 years, good character - Was present next morning when men were paraded for inspection of St. Germain saw St. G. pass the P^r & come back again ~~then picked~~ out when the Lt. Col. & Capt. Denis took out the P^r led him up to where St. G. was & who then P^r he was the man -

John Smith. Soldt. 49^t. Rgt. saw P^r in his room a few minutes before
7 o'clock on 27 Jun last - last work was then there writing a
letter - went out wth him abathing - wth two others were in
the water about 25 minutes - return^d to same room -
Knows P^r

was pres^t on morn^s of 28^t. When men were paraded
Sr G^r passed thth R^t without picking him out

Did not leave thth barrack room that even^g after they returned
from ~~the~~ bathing -

M^m Denis Soldt. 49^t. Rgt. was in comp^y wth P^r on ev^s 27 Jun last -
saw P^r then when bell was ringing for 7 o'clock aft^g 9th
he went wth him & Dr^r Smith to bath - when they returned
from bathing he remained wth P^r till about 1/4 before

saw Sr G^r pass the work.

Rich^e Pointer 2^r M^r. Sgt^t 49^t: knows P^r for 10 years - ch^r of an honest
man & a regular soldier - was sent to Georgetown in U.C.
selected men sent to seek out ports -

Price Sgt^t 49^t. Rgt. on 28th saw Sr G^r pass P^r on parade - That
afterwards the Comd^r off^r & Capt. came back & took out thth

P^r

Pr from the rank and asked J. G. if that was the man
when he R. it was.—

X

at nine o'clock on the evening of 27th June, being Supt. of the
guard, the pris. was sent there under confinement, but he
does not know the crime for which he was charged

Verdict. Not guilty.

Wednesday 5th Sept. 1810

The King }
J. B. Lavallée }

On Indictment for manslaughter

Jos. Mondoux à P. a don-sais dans sa tra. pour ret. chez son pere
de la R. du Chêne - ont été prendre son oncle le clerc dans
le village, sont parti de bon train - ^{P. a} est tenu pour passer
le ch. de Lestarie - le vent devant ^{l'heure le vent dans le village} il s'est rev. ils coururent
à la course, dès 18 ou 20 arp. du vil. il s'est ret. pour voir
quel passoit - il a vu le défunt à coté du train du P. un
peu plié & il a tombé - étant pasé quelq. paske a vu le défunt
se relever, & à courir après eux - le P. a retenu un peu son cheval
et comme il faisait bien gros le tem. a dit, sauvez nous, il va nous battre
alors le P. a lâché son cheval & a été rejoindre son oncle qui était

devant

devant. — Qu'il y a un ch. du Roi chag. côté de la rivière, mais
la place n'est point entretenu comme chemin en hiver. — Que le sénat
lendemain

x.

Que c'est sur la petite Riv. du Ch. du Lac. et arr. il y a un chemin
chag. côté de la riv. balisé. — ils ont descendu sur la riv. un peu au delà
du petit lac. — il y av. un rapide qui n'a pas pris — point chemin balisé sur
la riv. — trop de rapides — on quitte la riv. chez Ponthouin — Qu'en
descend ordre. sur la riv. la force s'amuse en forces. obéi cheval à la course.
on n'y voit pas beau de monde — rien que des voitures — on peut dire si le
P. était assis sur de bout dans sa traîne — a vu le def. le mons. que la traîne
le passoit — Qu'il ne pensoit pas que le défunt avoit du mal —

P. Grégoire. dem. a St E sur la petite Riv. que le Dr. Ch. Klein est entré chez lui
^{à 12 h. 1/2} à écraser en courant, a été à lui l'a aidé à relever, l'a assis sur un siège
lui. Dr. mons. a tout de suite d'un mal — il a réfo. que c'étoit deux voit. qui l'avoit
écrasé sur la gbaie & dans l'int. il a joudé une heure pour l'heure — il a
alors répété que c'étoit deux jeunes gens dans la voiture de derrière qui
l'avoient frappé. il a visté chez lui malade jusqu'au lendemain
et est mort chez lui. — il n'a pas montré de bless. de son vivant —
sur son corps des blessure après sa mort, un der. sa tête de la grandeur
d'un œuvre — un autre sur le coté droit de la grandeur d'un arselle
environ. —

Jacq. Labrie. Médecin dem. a St Eust. a été chez P. Grégoire le 12 Mars dernière, il y a
sur le def. il avait sur le coté droit une tache bleue noir, laquelle a
chag. impénétration, paraissait au mouvoi plus que l'autre coté, & son
opinion étoit qu'il avoit des cotés de cassés — une forte contusion — il
avoit grand diff. à respirer, & le seul chose qu'il a dit. soulagé moi je trouvai
que le 13 étoit pire — sp. que l'hor. étoit mort alléant blessé — & que
cette bless. étoit cause de sa mort —

X

me con. aux. le def. —

John Montgomery. Com. le def. Ch. Klein depuis 20 ans — le 12 Mars matin il
est venu chez tem. où il a déjeuné^{à dîne}, dem. le chemin au gr. brûlé
com. il av. un ord. à y sij-, Que le lendemain il a envoyé chercher
chez Ch. Gravu — malade — il lui décl. qu'il avait été frappé
par des jeunes gens^{qui toutes furent de forme} dans leur train, qui courroient des courses sur la
pet. riv. qu'il avait reçu un coup mortel par le travail de la traine
après sa mort exp. son corps avait le côté droit tout purgé en bras à sec.
Cuisse —

In P't. Macon.

a été reçus de servir comme tue' sur l'enq. qu'il a été tenu sur corps de
hom. qui a été tué sur la petite Riv. le 12 Mars dern. — où a dit que c'était
un nommé Ch. Klein — a trouvé le côté droit vain — à une blessure sur la
tête. —

Here the Court ordered the Coroners' Inquest to be read. —

Defense

Eustache Vallée —

Ordre du P. s'est trouv. au vil. de la Riv. du Ch. le 12 Mars dernier, et
qu'il est parti seul pour retourner chez lui. a été retr. près de chez Mr Chassé
pris de la p. riv. Chem. bal. chez. coté de la riv. ont des. sur la plan
en sort. du vil. — point de ch. bal. où ils ont des. sur la riv. sort du
Ch. du Riv pour desc. & on allonge sur ch. pour passer sur la plan — Des
les gens de pied n'y pas point ad. — course du chev. — Pas de la meuse
ou Beaulieu rapide qui rebondit le chev. sur ce p. riv. & on ab ob. de rem.
a 3 ou 4 arp. petit lac la. de 2 arp. sur le long sur 4 de large — on
va nager sur le lac sans ch. trace — Que venir le rap. la voit. du
P. est venu à côté du tem. pour essayer de passer, ils ont couru — L'istent
pour monter la coll. app. que le P. doit dire qui devait toucher
touchez, lorsqu'il a vu un hom. environ 2 arp sur la plan —
tous assez beau — aurait pu voir clairement — n'a vu personne devant
lui sur la plan du tem. qu'ils viraient — Il avait négé à matin

Il venait un peu - il y avait un des person. dans la voit du. arréé vers lui
les 2 ch. étant éte à voté - que les 2 jeunes gars étoient de bout dans leur voiture
d'abord dans chez lui l'autre train a court. son ch. les deux gars n'ont pas
dit qu'ils avoient frappé aucun person. sur la place -

X.

Que la place étoit molle un peu - le monde peut y passer quand l'eau ne monte
pas - tems beau - il n'foudroie pas - des nuages qui passent - qu'ils courroient
à la course & le p't regardoit la voit. du tems -

Fran^o. Dufresne Con. Los. Mondoux p^r. tems. ligé en ven. de la messe vers la fin de Mars
dernier que en court. il avoit frap. un homme dans la voit. que P. a voulu
arrêter son ch. mais que lui Mondoux a dit Sauvons nous. comme l'homme. a
une lame à la main il va nous battre - et que le P. n'avoit rien vu de
cela - en pass. sur la place - on allonge le chemin - le p't a pied n'y parent
point - c'est un plan pour courir à la course avec les ch.

Couz le P^r pour un homme. doux. humain - & si il auroit connu avoir frappé
un honnête de la manière - il auroit certainement arrêté pour le ramasser -

Saint Fairbanks Con. le P. depuis 8 a 9 ans - n'a rien connu contre lui -

Jac^t Bt^r Bellette Con. le P^r un carab. doux - la p. n'a visité pour des courses ou hyper -

The P^r Counsel objected to the Competency of the first witness
as being part. criminiis ~~#~~

p. 54 McNally's evd. 1 vol.

1 East. J.C. p. 263. to show that care proven can be construed
to be manslaughter -

Sol. Qut. Accomplie, may be witness - King v. Rangston. McNally -

All acts done without due care render persons liable for accidents
happens thereby -

Not
Verdict. Guilty.

depr. of part. until to have
1 Mⁿ. Env. p. 285.

Thursday 6th Sept^r 1810

The King
vs.
Joseph Girard

{ On Indictment for burglary.—

Daniel Arnoldi Con. Chs. Leheup. Jls - hors d'etat de venir en Cour

Samuel Walker has heard & oce. some ap. to house of Miss Brooks in Montreal, the prop^r does not live in the house, but the other apartment thereof is leased out to two other tenants binds himself - has a street door q^t com. wth his appt. q^t was his shop. — That there were two doors one a glass door & the outer of iron - That on the 30th April last he occupied that shop ~~& slept there~~ — That next morn on going into his shop he saw the iron door had been forced open the hook hung to the door by a small bolt of the iron door but left the door to jolley wide - that a plate of tin ^{one of many of the} in the glass door was forced open, the nails started so that a person could pass his hand between the tin & the wood - That he slept out the night of 30th & before going out saw his appt. shut the iron door but did not himself exam. whether it was shut or not - That he found the bolt on the inner door shut, q^t could be done by the person who opened it - He esp^r his shop and missed several art. pretty ² pair of boots - four wax, calf skins - did not miss a seal skin nor 2 balls black ball. — That some days after he told Chs. Leheup where P^r lived to be on the out look if he could perceive any of the things in his possession. — That some days after Leheup & Proulx came to W^r apartments & told him that the P^r had offered a pair of boots for sale to his brother - in conseq^r whereof the

the wks. with some others to Lehenp. 'dark' pms if he had any
books for sale - & he h^d none - That W^t. then s^d that he had heard that he
had books for sale & offered them to his brother. - W^t. if you
are an hon. man let me look ~~in~~ ⁱⁿ your trunk, & P^r no. h^d w^t not
as he had nothing belong^t to W^t. ^{W^t then B} If you won't give the key I will
get a search warrant & have it open'd - as he turned to go
the P^r call'd him back, took the key out of his pocket, I
will judge you for this time ^{but} & after this I will never allow
it - he then off w^t the key q^t he ret^t to P^r I told him to open it & show what is in it - q^t
he did - except two rolls black ball - he exp^r every thing was
perfectly disordred nothing, but on unfolding a great coat a p^t
of books fell out, which were his property, & the same now shewn
cannot say when he saw these books before in his own shop
nor did he miss them at the time he exp^r his shop the morn^g
of 1st May. As there missed other books q^t he was looking for
estimates the books at 15/- That Lehenp went into another
room took from a drawer a ^{black} ~~calf~~ skin q^t he asked if it
was his property, he P^r he could not swear to it - nor can
he now swear it to be his property - That he had similar
skins in his shop, but did not miss any out of his shop
estimates it at 8/- That he had black balls similar to those
now shewn but missed none out of his shop - worth 1/-
That P^r conffred he stole the 2 blackballs & the seals
skin but denied to have taken the books - but in the course
of the day he acknowledg'd to have taken the book also - P^r he
took the books from off a line on q^t the wks. hangs a number
of books in his shop - That P^r acknowledg'd having come in the
night from the poor don & unlocked it, passed his hand throu'
the line on the door door suspend it - that it was between

the hours of ten & eleven at night. — That no promises or threats were used towards the P^r in making the confession — That when he opened the door in this manner in o^r he then took the boots the blackball & seals skin —

F

That he leased his apart^t from miss prouty the prop^r — That the other parts of the house are leased to Provendier & Campbell — That he returned the morn^g of 1st May about 4 or 5 o'clock about half an hour after sun rise — Cannot say at what time the door was broke open — That he has missed articles out of his shop before the burglary he had before that time asked Lebeau to have any eye on the P^r but after he had so spoke to Lebeau — he saw the articles now shown in his shop — That there were several persons first besides Work at time the P^r made his confession at Latalapp^e — That Dr. Davis put the questions in french to the P^r — Cannot repeat the words used by P^r — That P^r worked with Work about 7 months — That Work borrow^d 26 dollars from him — That P^r never charg^d him w^t having lent him any further sum — never agreed to compromise this prosecution on gett^d money —

Louis Provendier. loue loc^t. partie de la m. de Prouty — ou dem. Walker & Campbell les 2 aut. loc. & lequel ont des apart. dep^s les uns des autres — que M^{me} Prouty n'y dem. plus — se rap. que dans la nuit du 30 avril avoir ent. du bruit ^{a une des} portes de fer de la maison mais n'a peut dire laquelle — que le bruit & sa fe se sont levé & elle a crié pas la fen. que est ce qui est là, & le bruit a cessé — que le bruit a été tout de Walker, a trouvé le croch^t d'un bout de la porte de fer & ten. par un morceau de toile & toucher la terre — que le croch^t étoit suff^t détaché pour laisser entrer la main d'un personne pour ouvrir la porte — a obs. un fus blanc dans la porte vitré qui avoit été forcée — A été quely. jours apres le 2 Mai chez Lepenx avec Walker Davis en conséquence de ce que Latalapp^e lui avoit dit que le P^r avoit offert une paire de bottes à vendre — Le tenu. a dit au P^r nous avons soupçons

que vous avez volé' Walker - si vous voulez nous sat. ouvery votre coffre
et le r'flechi long tems, n'esp' a dit, je n'ai rien à Mr Walker & a refusé
de baver son app're - dit - si vous ne voulez pas nous avous oblige's devant
nous. tel meaoumt force alors il offrit son chf - a Walker leg. lui a rendu, & devant de l'autor
a qu'il fit ~~avant~~ - a jeté le butin devant moy il n'y a rien - dans une ridgolt
plié on a trouvé un pa de botte - Walker a dit c'est nul pas les bottes
qui me mang. mais ils sont à moi - W. a trouvé 2 baton de black
ball apres dans le coffre & que dans une petite cb. lat. a app. le tem, lui a
montré un peau. devant vous en peau qu'il a von. ne vendre, & a dem
a Walker -

so i'dat tout ce qu'il
avait pris - ou -

a dem. de quelle m. il avait pris ces effets - [ce qu'il mangie dans le mag
de Mr W. c'est moi qui l'a pris] qu'il avoit forcé la porte la nuit
y avoir entré & pris les effets - paroisoit fache d'avoir commis le crime,
s'est mis a genoux devant W. l'apres de l'exc. qu'il lui pay. tant
a qu'il dem. od n'voul. le paum - W. a dit p' ce ai rien à vous don
de ce coté là - On ne lui a pas fait de prom. ni menaces -

x
est bennf. de Walker -

Jos. Davies trav. pour W. en Avril der. marche^{à pied} avec Mr. chf heung. au dejeuner
le P^r avec Provendier & W. That Prov. put the quest that W. had been
rob^r. He was suspect & at same time W. told Mr. to ask P^r to open his
trunk - refus^r after long time - Prov. & W. also ask him - at last
coment^r & handed out the things in it, say^r you see I have nothing
in it belongs to Walker took out a great coat & laid it at one end of trunk
seemingly wants to hide it - Prov. lifted it up - the boots fell out - asked
W. if they were his - with ex. the boots front & b. They were W^r That
W. knew the boots on his - W. looked into trunk P^r a couple black
balls - then went into back room call^r Prov. what pass^r then W. cannot
say - call^r W & shew^r it to him & ask^r if it belon^r to him W did
not know but had similar ones - That P^r went on his knees by^r W. not
to say any thing about it - W. & he could do nothing about it - That
P^r ackn^r. that he forced open the doors of W^r ap. about dozen of clock
at

night and took out the goods then produced - That W. had seen
great many such skins & black balls as those now shown in his shop -
that Miss Proulx occup'd no part of the house where W. lives -

X-

Adelaide Proulx. Com. her. de wwp. a droit dans la maison - la loue - en a loué une partie -

Mr. Sol. Genl. off^d the dep^s. of Chas. Leheups. such unable to attend
the Court. - at. Mc Nelly p. 288. 289. 292. - 2 Haw. ch. 46. -

2. March. Comm. p. 565. -

Per. Counsel opp^r. as contrary to general principles of Evd^r. - refers to case
of Duchess of Kingston. in q^t. the dep^s. of a Dr. Colley was rejected, -
Vys^r refers to case of Mass. where Dep. of 2 test^r. about were rejected -

The Court admitted the dep^s. to be read after proving it to be the
deposition of Leheups -

Defence

Josette Picard
Chas. Leheups.

Il s'est trouvé à la fin de la conv. entre le p^r & les autres jurs -
a entendu que les bottes trouvées n'étoient pas les mêmes que celles
qui manquaient - que lorsque le p^r étoit à genoux devant W. il
a entendu W. dire que 'il vouloit lui donner an hundred dollars -
que le p^r estoit un homme d'un esprit foible, t'es assé à tromper -

Josette Picard

A entendu dire à Mr. Proc^r -

Et entrez & a vu le coffre ouvert & le butin débor. W. avouoit
d'en prenant 2 blackballs dit, that's min - qu'elle a entendu

M

[7]

Prov. dieu, avouez los. il ne vous sera rien fait - Que le P^r dit,
voyant que M^r m^e devait, je ne devais pas tout perdre - le soin que
l'on dansoit chez Brown j'ai pris ca - parlant des bottes, du cuir
et blackbae que W. tenoit [faisoit] pas moi qui la faisoit mais j'en
porterai la honte sur mon visage -] Que il a entendu dire
a W. un hundred doll in paper -

J^e Marie Gagnette femme
~~Jos~~ Martelle.

Ent. dire a Prov. avouez los. il ne vous sera rien fait - qu'apres
que le coffre fut ouvert - Prov. a decouvert un pa^s de bottes dans un
ridingotte - De P^r a dit, si quelqu'un a mis cela pour malice, j'en l'ai
pas pris - alors Prov. - avouez

Que le P^r dem. chez le b*ea*m. n'a jamais connu qu'il soit sorti le soir vers
la fin d'avril - Que apr^e

Suzanne Martel Que le lend^e de la quari modo travaille tard - vers onze heures - a vu
le P^r couché sur son banc - maison étoit alors fermée - Cou. le pa^s
pour un hom. d'un esprit foible - à qui on peut faire croire tout ce
qu'on veut -

Nicolas Vriniere Cou. le pa^s depuis l'automne dern^e - un hom. d'un esprit foible -
Le son pere se plaignoit que ses étoit un jeune hom. qu'il ne
pouvoit pas conduire qu'il étoit un etourdi -

Capt Côte A entendu dire dans sa famille que le P^r est un etourdi.

Papineau Étoit compagnon de classe de P^r pend. un an, foible d'esprit,
a qui on pouvoit dire tout ce qu'on voulloit - étoit la risée de tous

B - Gosselin - a regardé comme, un imbucle facile à tromper -

John Wilson. P. was in his service for 4 or 5 months, year before last - seemed deficient in understanding - but able to distinguish between good & evil -

Bearbien employ'd him to pros. J. W. for £25 - or 800.⁴ s³ he had no writing told him the risk he run to recover it - afterwards told him he had arranged matters with Mr. W. & taken a note for £5 - but on exams the paper he held found it was a Receipt for £3. 10 which W. had given him - he found besides that he was a man of so weak intellect that nothing certain could be depended on from him -

P^r Counsel object^d to any confession being admitted by other means than that taken before the Magistrate, when such confession has been taken down by him - Objects also to it on the ground of promise of favor being shewn him -

Verdict. Not Guilty

Not guilty -

Friday 7th Sept. 1810

The King
v
Gen. Piché Laventure }
Jem. d'Hy. Laventure.

On Indict. for concealing the birth of a bastard
Child on 27 March last-

Louise Crozier. con la p. dep. 3 ans, en est voisine dep. 2 ans. n'a pas vu dep. ce temps le mari
de la p^e ni ent. dire qu'il fut dans la par.^{ie} la mre de la p. dem. ava elle à St
Cuthbert.-

Bernard Henrichon. Lives in p. off St Cuth. about 11 months -

L^e Vadeaucis dem. à St Cuthbert la p. y dem. dep. 10 à 12 ans - a con. son mari - n'a
pas vu dans la par. dep. 5 à 7 ans qu'il est parti pour les pays d'au. - n'a
entendu dire qu'il fut - il étoit de son coup^e pas lors de l'expédition -
Que le nom du mari de la p^e est Hy. Laventure -

P^u Mancigle - con. la p. & son mari - part. dep. 6 à 7 ans pour un haut, pas rev. dep.
ni ent. dire qu'il fut de retour - pas con. qu'il soit revenu -
dem à 10 à 12 arpens de la maison de la p^e & dep. 6 ans n'y a pas
entrée -

Culbert Denis
nom. bien pris - environ
30 ans -

con. la p. & son m. dep., quelq. au - voisin - con. que son mari est parti
et y a 6 ans pour les pays d'un haut - croit qu'il ne pas rev. dep.
voisin de la p^e depuis 4 ans - a été rarement chez elle - n'y a jamais
vu son mari, - ni à la messe, ni aux milices -

Jos. Parisien
Il vient des pays d'en haut il y a environ 25 ans - il y a hy. plusieurs
années - a hy. dans Nepijou au lac d'Aigle - distante environ
200 à 300 lieues du grand Portage du G. P. ici on compte 600
lieues - qu'il a hy. l'an. der. avec un nom. Poth Laventure - qui lui dit
^{la femme de Barthélemy dans une conumion appellee} etre d^r St Cuthbert - qu'il étoit marié à une nommée Gen. Piché -
que c'est un honn. environ 28 ou 30 ans, - vu en Juillet l'ete dernière

au q^e. Port^t. qu'il ne croit pas qu'il avoit pué venir de la si
l'returnner

Jean Germain

Il est venu du pays d'en haut avec le doct. tenu. a cou. au hou. sous
le nom. de L'aventure - devant étre de la petite Novier - a hypernœe au
Parisien - a ent. d'un par les aut. que ce L'avent. étoit marié - a
hyp. il auras de dents - a hy. que ce au. avec Lav. - a va Lav. au
q^e. Port. en Juillet de l'an. der. l'a vu partir ce même mois pour
aller hypernœe - n'est pas poss. que ce hom. auroit pué venir de la
& returnner au q^e. P. sans qu'il en eut con. - Hom. d'un moyen
taille, environ 30 ans - cheveux bruns quasiment blonds -

Le Crevier
~~de Vadenais~~

Le rap. que dans le mois de Mars dern. il a trouvé un enfant mort
nouvellement. né dans son écurie, dist. environ 1^{1/2} ans. de la P^m
un vieux bâtiment abandonné - l'a trouvé sur la neige tout
mort - par. com. un enf. qui a été venu à son tems - Que la Cuisse
lui manquait - n'a pas vu de trace - qu'il y avoit un petit
chien de la 1^{me} ^{de bout que} près de l'enfant, mais que ce le tem. a jeté
un cri en voyant l'enfant & le petit chien a passé la porte -

Bern^t. Florris

has stud. Surgery & medicine, recoll. being cal^d to ex. child f^t dead
in March last at St Cuthbert - it had been ^{2 days} buried, taken up again &
put in the Savistrie, where he saw it - no marks on the body - except
the ^{right} left by & they were q^t app^d to have been cut off with a sharp
instrument an inch below where the bone joins knoch - no marks
of strangulation - it app^d of full term - it had well made, & hard
nails, but cannot say whether it had hair or not - a q^t it was born alive
or not - At q^t of on of May. went to P. house w^t Vadenais &
others - Cleat au 28^{me} March q^t went in P. P. spinning - ask^d if she'd
heard no news, about child P - no - when her mother was - did not
know

sent for her another - ask'd if she had w^t h^d of it - s^r. no - he spoke
w^t P^r. found sick - ask'd if she h^d not been b^t to bed - r^d no -
app^d to work as a woman lately b^t to bed - ask'd 2^t time + s^r. no -
+ I then felt her pulse & discovered thereby that something was the matter
with her, and I then
^{w^t into another room where I}
further ex^d her & told her of it was her. she ought not to deny it, whether
s^r. that she had been b^t to bed - That on ^{returning} ~~going~~ into the room.
where the ² Capt^s were, I sh^t her if it was her child that was
born, she s^r. it was - this was ^{2 days} before the child was ex^d by witness. -

X.

Was brought up to distill medicine, - has been in this Country four & $\frac{1}{2}$ years -
has exercized prof. of surgeon 3 years - has had no licence to practice
during that time - has no licence to practice. -

L^e D^r Vadenais. Que le 27 Mars a vu le corps d'un enfant mort dans un bat. abandonné
sur la terre vois. ou dem. la pris. dit environ 2 ays. de sa maison - Que
le nom. Reward est ven. chez lui pour l'inf^m qu'on avoit trouvé un enf. dans ce
bat. avec un chien de contre - qu'il y fut en conve. & y a vu un enfant
nou. né sur le nipp ~~tant~~ n^t qui mang^t un membre - cuisse droit lui
mang^t un enfant mâle - il a fait son rap^t au magistrat, qui lui a
donné ordre de chercher la mère - il fut chez la P^r avec le Cap^t Desfrans
le 28 Mars avec le nommé Stenris - ~~la pr~~ a dit qu'elle qu'après la visite
que le D^r a faite le p^{re} ^{adeline} qu'elle avait tombé malade ^{qu'elle} dehors la nuit du
27 qu'elle avait ondoyé l'enfant & dit le crede & a affirmé que sa mère n'en
eut pas de con. - qu'elle avoit mis l'enf^t ^{a coty} elle, mais qu'elle avoit perdu
conn. & ne sait ce qu'en étoit devenu - Qu'il a reçu un ordre pour déterrer
l'enfant, ce qu'il fit faire deux Jours après par le b^eceau, & a vu le même enfant
qu'il a vu dans le batiment - a ex. le corps & mang. une cuisse, qui
paraissait comme coupé tout net - qu'au dessus de la coupe il y avoit
un morceau de peau coupé qui pendoit -

X.

Que d'autres personnes avoient examiné l'enfant dans le bat. avant qu'il fut
rendu à la place où il étoit -

Ant. Destrampes. Cap. de milles à St Cuthbert. à été le 28 Mars chez la P^r avec
le Cap^t Madenais & Henry - après la visite du D^r la P^r a avoué
que l'enf. qu'on avait trouvé la veille était à elle. - Que la mère
de la P^r dit qu'elle était sortie dehors où elle a été pris malade -
Qu'en arrivant on a expliquée où l'enfant avait été trouvé & a
dem. si elle en savoit quelque chose - elle dans la tente la nuit, & n'a
nuit qu'après la visite du D^r qu'elle a avoué que c'était son
enfant - Que la P^r ~~est une femme~~^{homme pour}. d'un esprit un peu faible. -

Cuthbert Denis. Que le 27 Mars fut voir l'enfant sur le neige dans le bâtement
avant des cheveux & des ongles - mangé une cuisse & par. coupé - mal-
conchi sur le neige - pas de traces qu'il eut été traîné sur le neige - tout
dans un bat. abandonné, nu, sur le neige - paraissait avoir été né
vivant - à l'intérieur il n'y avait pas de sang - mais pour l'enfant il y
avoir du sang - pensoit que le sang sortit par le nombril -
Que le lend^e a été chez la P^r avec les 2 cap. Destrampes Madenais -
Que ~~on a demandé au Cap^t Destrampes~~ il a dit qu'il était venu
pour faire une visite - qu'on avait trouvé un enfant dans un vieux
bâtement, étendu sur le neige, mort, & demanda si on en savoit quelque
chose, que la P^r a répondu en avoir con. - Que le D^r s'est avancé a dit, qu'on
sauvoit cela bien tôt - alors prenant la mère de la P^r par le bras & tabant le poing
dit, ce n'est pas vous, - alors prenant la P^r de la même main, dit, c'est vous, votre
pouls le dit - alors il l'a fait passer dans un aut. Ch. pour l'ex. & en rentrant dit
c'est elle - alors elle a répondu que l'enf. qu'on avait trouvé était son enfant, et
lui a dit qu'elle était sortie pour se cacher de sa mère, où elle a accouché
qu'elle a mis l'enfant à côté d'elle & l'a ondoyé & qu'elle a con. le credo
mais ayant qu'elle eut froid elle a évanoui, & lorsqu'elle s'est réveillée
elle a trouvé son enfant parti, qu'elle est rentrée dans la maison
& ne peut dire qui aurait porté l'enfant dans le bâtement ou
et qu'il a été trouvé, & qu'elle ne savoit pas où le chercher -

X

N'a pas vu de traces de la maison de la P^r & le bâtement où l'
enfant a été trouvé -

Rivard Que Louise Crevier l'a informé de l'enfant, a été le voir, s'est app. qu'il manq. un membre - Que l'enfant avait des cheveux - ne peut dire s'il avt des yeux ^{et} ~~et~~ ^{qui} venus à son tems - qu'il avoit la Cuisse coupé - par un instrument tranchant - Que l'enfant étoit mort étendu sur le neige dans un vieux bâtimant - n'a pas vu aucune trace du sang qui donnerait à croire que l'enfant eut été traîné là sur le neige - n'a pas ex. part, l'inf. dans le tems a été fréq. lors de la vente après que l'inf. a été enterré - reconnu pour le même - n'a pas vu le petit chien - la fem. a crié un petit enfant & un chien après - du sang sur le membre avoit été coupé -

X

N'a pas vu ex l'inf que quand l'enfant a été enterré -

P^{re} Manangis

On est venu laver le 27 Mars qu'on avoit trouvé un enfant mort étendu sur le neige mort - par. venu à Terre - avoit des cheveux - manq. une Cuisse - on n'a pas ex. dans le tems si elle étoit coupée - vers 20. apres dans le sacristie - par coupée - même inf. N'a pas vu de trace pour faire croire que l'inf. eut été traîné au bâtimant. -

P^{re} Nadeneais

a fait faire le cercueil & a mis l'enfant dedans - & l'a mis au Sacristie pour être enterré - étoit present lorsque l'enfant fut enterré deux jours apres & l'a revu. pour le même enf. - op. que la Cuisse fut coupée -

Defense

Henry Ledel

Surgeon - that flesh frozen if broken or hit appears as if cut - women in child birth often faint -

Objected - That no suff. proof that child was a bastard

Burns Just.

The Court charged the Jury - That as the offence had been brought completely within the St. by proof that the Child found belonged to the P^r who at the time of the birth had concealed it, that there was presumptive evidence by the Child's being perfect, that it had gone its full time & had been born alive - that therefore it behoved the P^r to give some account why what means it had come by its death or that it was born dead but no excuse whatever having been attempted the presumption of guilt was strong against her. —

The Jury found the P^r Guilty

Saturday 8th Sept 1810

The King
John Forrest

On Indictment for Stealing on a navigable river above the value of 40/-

James Newton. a Sailor on board ship Bell, caps^t Carlisle - That he slept on board every night in August last except two - he kept his cloaths on board in a chest q^t was not locked - that his cloaths were then on Friday fortnight & on Saturday morn^t they were all gone - saw his chest open - That he lost 1 blue woolen basket, q^t he values at 11/8 - a p^t blue woolen trowsers, q^t he values at 6/- mankeen waistcoat 2/. Cheek Shirt 2/6. Shift Shirt 10/- red Sdkk^t 2/6 - on yellow dr 2/6. 1 pr. Sdkk^t 1/- 1 pr. hkf 6^t. 1 penknife 1^t. - all these art. he lost on night 23^d Augt. last he lost from his trunk, besides a pr Silver sleeve buttons, q^t have not been found -

when he met the P^r he

Robt Carlisle Siddle. app. on board the ship Bell. the Carlisle Master - Left
on board the 23^d & 24^d August last - heard Jas Newton in the mornz
that he had lost his cloaths - That ~~he~~^{he} has a p. of trowsers of
were hanging above Newton's Chest below, which were carried
off in the night of the 23^d - same now shewn, & worth of the
That next day he saw this trowsers in the trunk of one H^r Allison
in a public house near the beach - (is sure he had these trowsers on
yester night 23^d) That ~~when~~ ^{that} Mr. was then present so^d he had
bought those trowsers along with the rest, means. Newton's
cloths - That Jas. Newton was there also & claimed a variety of
articles which were in the trunk as his property

Eliz^t Fr'leath. Has freq^t seen P. Knows him by name of Jack. saw him about a
fortnight ago at her house, when he left a bundle of cloaths wrapped
up in a black silk pkf out of q^t a penknif dropped - which lay on
the table after he went away. & remained there till the first witness
happened to come in & observing the knife, claimed it as his
property - believe the knife now shewn to be the same - That
the pris^t returned some time after & took away the knife.

X
That P. when he left his bundle of cloaths left it on an open
table & she never thought it likely they were stolen goods.

Henry Allison. Has seen the pris^t 2 or 3 times - saw him last Sunday week between
9 & 10 a m. - Came to house of Rich^t Porteous where W^ts lives &
wanted to leave a bundle of things in a black silk pkf. I had
other articles under his arm - That he s^t he was going to
Lake Champlain that afternoon or next morn^d & wish^d W^ts
w^t

That he had a bag, what the bag w^t not hold of the things w^t all^t him to put into his trunk. - That the trunk was sent on to the water side & w^t remained to settle his board, when he told^d he saw th^t Dr. had been arrested & his trunk seized. - That w^t then told

that articles claimed were brought up to the Court house -

x³

Is a Ship-Carpenter. R^t Porteous lives near the place where they are building a brig - is from State^{a man}, with several others who agreed to work for 12 months w^t Mr Dunlop. - That 5 of those men are returned to the States the same Sunday the pris^r intended going off. - Does not know if they had Mr D^r leave, but understands they went without it. says he was not going to the States himself. - That he had some things in the trunk himself, & he hired 2 Canadians to take it from Mr Porteous's & carry it to Mrs Griffis, where he was going to lodg^e.

Jas. Newell.

C. G. Radford. On Sunday 26th Augt last Newton & some other seamen & the P. came to the Gaol with a trunk & the articles now shewn in it - saying they had orders from Mr Loring

Thos. M. Cord. On 27th Augt last, a trunk ^{sealed} with the articles now shewn it were brought before him w^t the pris^r - when Newton claimed them -

That Mr Dunlop appl^d for a want of several men who had run away from his service & believe it was about same time.

Defense

Jas Clarke Is Engineer on b^r St. boat - knew P. while C. M. while works ste. Boat on L. Ch. - I very often left money & wool in an open trunk on board & never missed any thing out of it - Has been on b^r Molson's Lt. boat abt month cons^r him an honest hard worker man - Knows that P. has a suit of interests him on Lake Ch. - When he eng^d. him he susp^d for time to go there on this business - That he came up in St. boat on 24th Augt q^b he told w^t he must go on this business - Knows that Mr. M. settled w^t him & he gave w^t 10 dol^s to take charge of till he sh^d return - That on the Saturday or Sunday morn^d he told w^t he had bat^d a lot of Cloaths of a Sailor & had got them very cheap - Does not think the P. capable of going on board any of the vessels to steal clothing, he has always cons^r him to be of a diff^r character - when in th States

John Bruce was P. arrived in St. boat on 24th Augt last & w^t he was going to the States about a law suit - always found himself P. as an honest faithful man. - That W^r promised to rain his ways if he w^t remain in the St. boat - but he ~~had~~ could not stay but when he return^d to P. he would accept his offer - saw him the day after with a red silk h^tkp in flying partly out of his jacket pocket -

Rich^r. Rogers work^d on 6th St. b^t the P. In some time past has work^d on 6th arr^d from Quebec the 24th ult^r. That P. 1st he was going to State ab^t a bout h^l 1^o - was at Witt house on Friday evg ^{he was going to sleep on board} 25th saw him ⁱⁿ Steam boat next morning ⁱⁿ his bed about half past Seven -

Alex^r. McMillan, Ships Capt^r. knows that W D. had many of his Capt^rs gone off on Sunday 26th Augt last - kn^w P. for 2 years - ch^r of an honest man.

Council objected to the articles laid in the Indictment not being written the Stat.

Sol. Genl. King & Lee - Treach. Crown Caus.

Verdict.

The King
v.
Jas. Neitck -

{ On Indictment for an assault with an intent to commit
Murder. —

The King
James Neitck

{ On Indictment for assault with intent to murder
assault a magistrate in the execution of his
Office —

became furious — advis'd to pay off. to mag. in ex. duty. up^d. but thral^p to
stab the heart of any person who will attempt to carry me then. had a drawn
penknife in his hand, told him he was ad^c. on exim to another by his resistance
it w^d be worse for him & advised him again to comply — showing his arm back^d
& forwards — but drew near & told him N. you do not know in qt. set your
are your pass is such that you seem to have lost up^r. reason — ans^d. I know
no person at present, if you continue up^r. conduct towards me I will
perish up^r. heart wt. this penknife — he was then very nea p^r. tht. it prud^t
to reb^r — but on his retiring was surprised to find him follow —
it is not for my own dit^r — that I must maintain my auth^b & I there
again require you to obey — that he ans^d in the same manner —

There

even persons present whom he ordered to arrest him - it was unless - as no sooner did one draw near, than by using his knife he drove them off - sent for assist. & 5 or 6 men app'd - Then com'd them all to lay hold of P^r - he was then so furious that he thinks he must have lost some of his strength - & two or three of men rushed in upon him - pierced by q^oon of men present - finds the resistance cont. he ordered him to be tied - he disengaged himself by breaking ropes - then tied him himself - ordered him to be put into a Cart - & even there struck with his hands & feet every person - s^t to write you will remember this, and you shall be punished yourself - That beside threatening him with his knife he made movements as if to strike him with it -

x.

Angus Shaw. On the 24th May last Mr. M. was called on to assist in conseq^u of an assault committed him - took his depo. exp^o to that he was a magistrate when he must go to Gaol
an Mr. advanced the P^r menaced him with his knife so that he sprung back behind the w^t. & was followed by P^r thinks P^r w^t have stabbed Mowdlet had he not run behind ~~that~~ who told him which are you going to commit murder on a magistrate on q^h he did not proceed - that he threatened any person who sh^d come near him -

Guild Parentau on 24 May last, heard alloud. say he was a magistrate. Lord P^r th^t he must go to Gaol - that P^r had a penknife in his hand w^t which it app'd he w^t strike any man Mr M - q^h made him withdraw, as he was near enough to have re^d a stab from him if he had remained -

X

says he never saw P. lift his hand on Mr. M. - but in a horz^l
manner -

Chas. Laberge - was at Mr Shaw's on 24 May last. heard Mr. M. -
saw P. follow Mr. M. to the door with the knife - & it app. to him that
it was his intention to strike Mr. M. with it - tied him - he got
loose, when Mr. M. then laid hold of him & M. tied him - one of them
struck his hand & made him let the knife fall -

X

Did not see P. hand lifted up - but pr. pursued with knife in his hand
Heard Mr. M. tell P. several times not to strike him -

Jos. Bourguignon.

Thos. McFoye Produces penknife which had been delivered to him some time before
by the witness who picked it up -

Defense

Henry A. Curtis Lives in St. Ant. Sub. was ordered in King's name to go to Mr. Shaw's
to instruct to take Mr. Shaw's gardener -

John Murphy Liv'd at Mr Shaw's on 24 May last saw Mr. M. there - P. was
called into room where Mr. M. was - & was near where P. stood &
could hear g. pass - did not hear Mr. M. say that he was a Magistrate
that after they ~~proceeded to~~ ^{got out on} the gallery heard Mr. M. say he was a
Magistrate - did not hear P. threaten Mr. M. nor make any
movement with his hand while he held the knife.

Cath. Brown

Cath. McDonald. Lived at Shaw on 24 May last - was in room heard M'Nell
tell P - he was a priy. but had nothing about his being a magistrate -

John Dwyer. Went up with his Master Mr Curtis

G. Town Radford says that Mr. M. when he was brought before him to the trial -

Monday 10th Sept. 1810

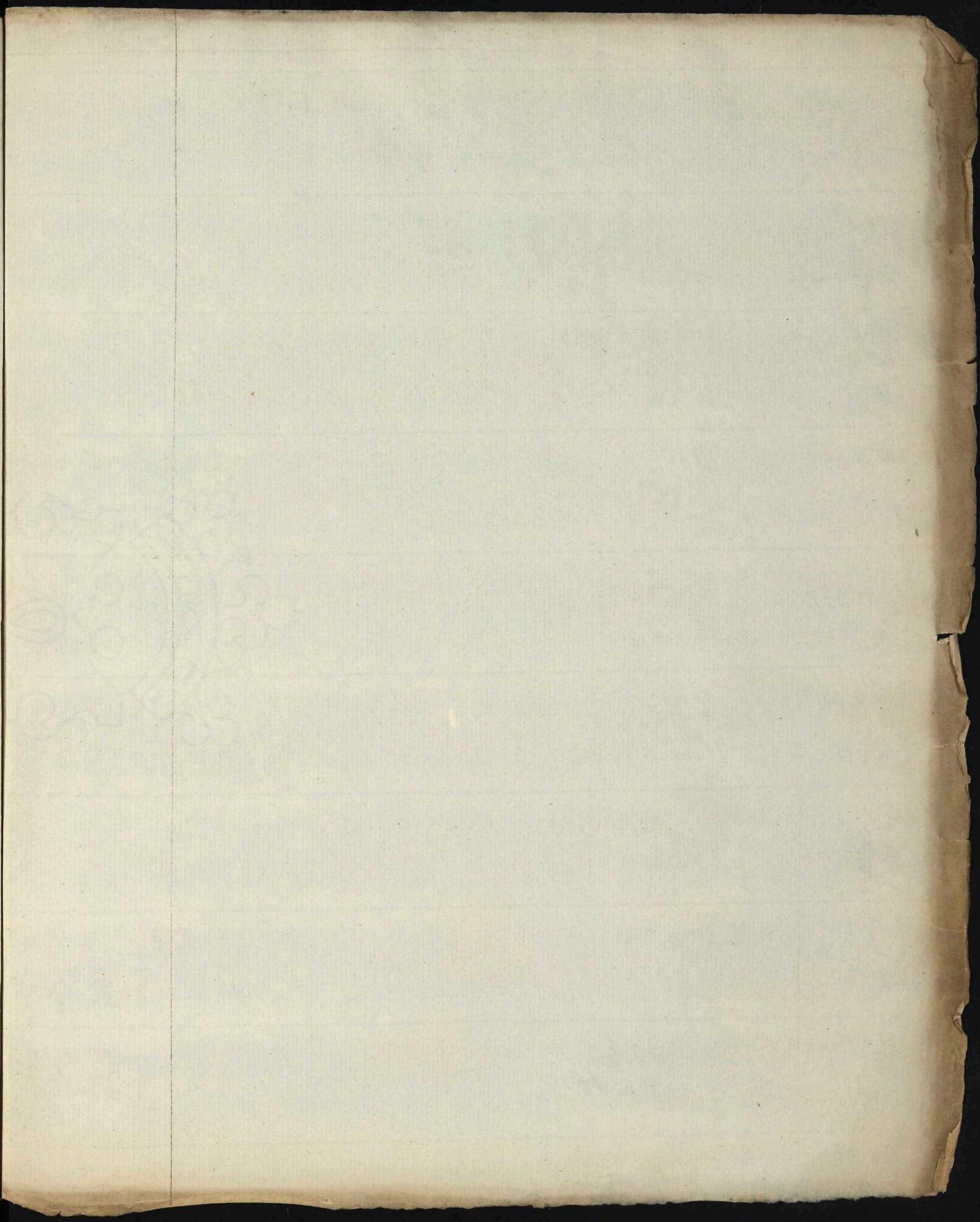
King

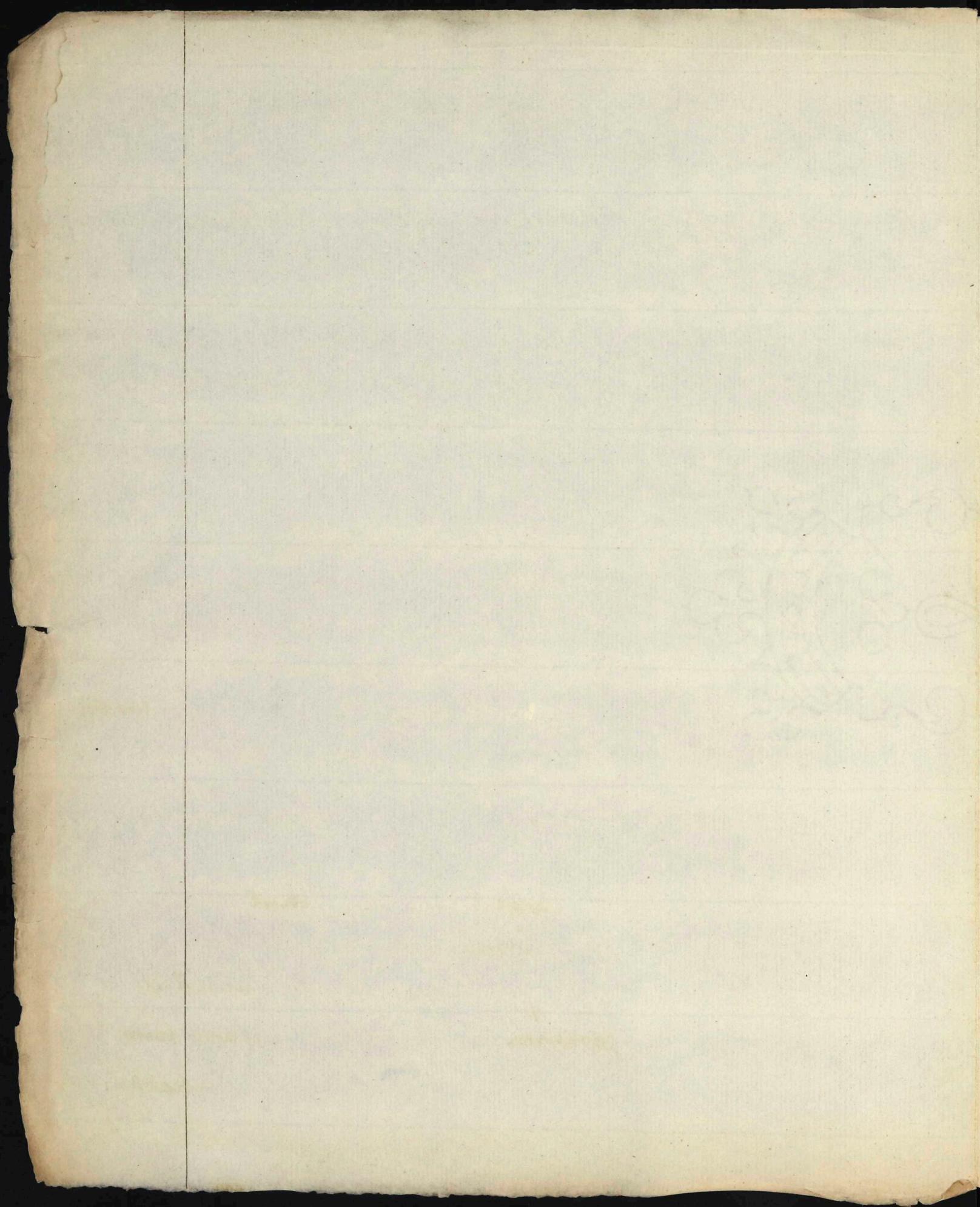
Gen. Piché Laventure

Objected in arrest of Indict. or rather to respite the
sentence -

1. No proof of impossibility of ~~cohabitation~~ ^{as far as} cohabitation with her husband
2. No proof that child was actually born alive -

Judgments.





The prisoner being put upon his defence, produced the following witnesses. —

Amable Gaudry - dit, qu'il est cordonnier, et demeure en ville - qu'il suit le metier de Cordonnier depuis 17 à 18 ans, et a eu occasion d'employer beaucoup d'ouvriers - Qu'il a eu des ouvriers dont il n'a pas pu distinguer les ouvrages les uns des autres - et il seroit encore bien plus difficile de distinguer le slop work, ou souliers faits à la douzaine. - Qu'il y a beaucoup de cette espece d'ouvrage fait en plusieurs endroits dans ce pays.

William Bair - dit, qu'il demeure à Beloeil, et suit le metier de Cordonnier depuis 18 ans - Qu'il a souvent employé des ouvriers dont il n'a pas pu distinguer les ouvrages - et particulièrement un dont il n'a pas pu distinguer l'ouvrage du sien - Qu'il a fait beaucoup de slop work dans le pays, et il est plus difficile de distinguer cet ouvrage, que de l'ouvrage qui est mieux fait.

Where the testimony for the prisoner was closed

The Court charged the Jury, that they had to enquire whether the property stolen was the same as that which had been sold by the prisoner - If they found it to be the same, the prisoner was bound to answer how he came by it, and they must then consider whether the

Pris^r

prisoner had given a satisfactory account how he became possessed of such stolen property, as otherwise the law presumed him to be the thief - If they considered the reasons alleged by the Prisoner as not satisfactory, the only object then to be enquired into was the value of the property stolen, so as to bring in their verdict upon the offence charged as being either Grand or Petty Larceny -

The Jury returned a verdict finding the Prisoner guilty of Petty Larceny -

Monday 4 March 1811

The King

Michel Monet
& Bois menu

Bench of Indictment for Grand Larceny in stealing
10 bushels of wheat, value £3 - and 15/- in money
the goods & chattels of one Louis Goguet, ^{at St. Henry of Marquay} ~~at Leucombe~~
on the 20th April last. -

L. Goguet -

Dit le P. a dem. chez le t. en Mars dernier ~~en qualité d'engagé~~
commencé le 11 Mars & resté jusqu'en Août - ~~2^{me} Mars à Temoignage~~ ~~2^{me}~~ s'est apperçue
qu'il lui manquoit du bled - Qu'il fut prendre des informations
dans la paroisse, et un nommé Laporte lui dit que le p. ^{si quelque chose} avait apporté
3^{rs} m. chez lui - le P. en ayant aussi porté chez Mr. Leucombe 3^{rs} moins
que le p. ~~avait 3 piastres dans un boîte à rason, & comme le boîte~~ lui
avoir donné son rason pour se raser, le t. lui dit d'aller le prendre, &
et a été dans une autre chambre le chercher - que dans un petit
boîte à coté il y avoit trois piastres, & le soir apres il a vu que les
trois piastres manquoient - il avoit des soupçons contre le p.
Que deux tems étant passés le T. a dem. au P. s'il vouloit entrer en
con. du tout qu'il lui avoit fait - que le P. disoit qu'il ne savoit
pas que lui avoit fait du tort - alors le T. lui dit combien de bled avez
vous porté chez Mr. Laporte - il fut alors surpris, & à la fin dit
six minutes, - le t. dit il y avoit plus - le P. combien - un demi minute
et - bien, dit il, je ne m'en douterais point beaucoup - alors le t. a dem.
combien chez Leucombe - il dit 2 m. - le T. dit y avoit 3^{rs} de moins
réponse - il a nîé d'avoir pris le 3 piastres, - mais a demandé au
t. combien voulez vous prendre pour le tout - attristé
convenu de donner 2 piastres, & d'en passer une Obligation devant
notaire - Qu'ils ont été chez Brunel ~~Mr.~~ pour cela, lequel a refusé de
passer l'acte, il les a renvoyé chez Mr. Tugeron, Enge à Paris - lequel
a pris la déclaration du témoin pour faire une poursuite contre
le P. -

Que le blé a été pris vers le 26 Mars - & le P^r a racheté chez
le bœuf jusqu'en Avril après - Que le bœuf ne a point fait de
menaces contre le P^r pour

Pascal Leamnot
de Lachapelle -

Que vers la fin de l'année dernière, le Goguet est venu
chez lui le bœuf de venir chez lui, qu'il voulait passer un
petite affaire avec Boisneau son voisin - il y fut - alors
il dit au P^r ^{giant} veux tu entrer en connaissance du bœuf que tu m'a
fait - le P^r a primit^t nul, mais ensuite est convenu avoir
pris 10 m. blé - il a nul & avait volé les 3 piastres - mais
il a fait aussi avec Goguet pour le tout, ils ont convenu
d'aller devant le Notaire passer une Obl. pour 25 piastres -
Que le tout

Louis Dagenais. Qu'il se rapp. d'avoir été chez Goguet avec Leamnot vers
la fin de l'an. dernier - alors Goguet lui a proposé un arrangement
pour le bœuf que tu m'a fait - il a primitement renié - Gogut
a dit c'est fait bien, je te promettrai - alors ils sont entré
en arrangement - le P^r a reconnu ^{avoir} volé 10 mous de
blé - il a nul pour les 3 piastres - alors si tu n'entres point
en accord pour cela rien ne sera fait, je te poursuivrai pour
cela comme pour le reste - alors le P^r lui demande quel
arrangement veux tu - & ils sont convenu que le P^r devrait
passer une oblige pour 25 piastres pour le tout - Que
lorsqu'ils ont commencé à parla de l'arrangement - Gogut a dit
je ne veux point le divulguer si tu veux entrer un arrangement -
L'arrangement a eu lieu -

Que le P^r a prim^t. renié, & Gogut lui si tu ne veux point t'amener

See - Defense.

Louis Parent Curé de la p. St H. de Mascouche - croit avoir vu le p^r dans la paroisse.
n'a jamais entendu rien contre lui -

P^r Beauchamps a connu le p^r depuis l'age de quatre ans - a connu toute sa famille,
n'a jamais rien dire contre lui que ça n'importe -

The Court charged the Jury, that the confession of the
p^r appears to have been made upon a view of an arrangement
of the felony, and upon the promise of Gagnet not prosecute
him & publish his discharge - this promise was suff. to invalidate
his confession and ought therefore to be set aside - and besides
this confession there was no other evidence against the P^r

Beyond Not. Guilty

Tuesday 5th March 1811

The King...
Jos. Ch. Beras ~~de~~

On trial of Indictment for Grand Larceny, in stealing
on the 27 Dec. last 24 pair of shoes value £3. 12 Sh^t
7 pairs halfboots - value £1. 5 of the goods & chattels of
Paul Lefèvre, & four pair of halfboots value £1 -
of the goods & chattels of Nicolas Lefèvre in the parish
of Montreal -

Josette Larivée - fem. de P. Lefèvre - que son mari loue un ap. der. la maison de Webb
en ville depuis Nov. dern^r d^r y a un an - que le soir du 27 Dec. dern^r
le soir elle a vu son époux le porté & il y avait grande quant. de bottes & foul
aprt. à son manteau de Nee Lefèvre - que le lend^r le porté ouverte
et il mangé une certaine quantité de souliers - que son mari avoit
perdu 24 p. foul. & 7 p. bot - que les estimé à 7 piastres, la ^{longue} d^r d^r
et les bottines ~~longue~~ valoient 4 piastres - Quelle a été à la pointe
le 30 Janvier ^{dernier} prendre des informations du vol, croyant entendu que
qu'on avoit vendu des souliers le - a été chez le nommé Soligny

ou on lui a monté plusieurs paires de souliers qu'on avait acheté & qu'elle reconnoissoit lui appartenir a dit à la pris. de le rapporter à qu'elle lui rende son argent - Qu'elle a ensuite vers environ une 12^e paire de ces men. souli. dans l'offic du Dugz à Paix lorsque le P^r fut ~~accusé~~ - amné -

Nicolas Lefèvre - a occupé un appartement dans la maison de Wurzel le 27 a fermé le portail ^{au ville} ayant laissé beaucoup de souliers, de bottines, de harnois, tant pour la ville que le ^{à Paris} ^{à Dugz} - le 28 il a été arrêté à la trouée que le p. avoit été ouverte - il a été trouvé qu'il lui manquait 4 p. bottines - Que le 29, il a entendu parler qu'on avoit vendu des souliers à la Longue Pointe ^{dit p.} fut le 30 à la trouée de ses souliers qu'on avoit vendu à un nommé Souliegny - Que le 31 il a vu le men. Soulier dans l'offic du Dugz à Paix -

Ant^e Viret
de Souliegny

Demeure à la Longue Pointe - Que sa fille lui avoit dit que Lefèvre avoit été chez lui dire que les souliers qu'il avoit acheté ou les lui avoit volé, & de tâcher d'arrêter la personne et quel il les avoit acheté - Il l'a fait arrêter le P^r & il avoit alors en sa poss. plus. paars. souli. - Que le T. avoit acheté de lui 4 paires de bottines que le T. a apporté ces mêmes bottines plus a laisser avec le magis. hats longue le P^r fut amné devant eux -

P^r Archambault - Que le 28 Decr du mat. a troué porte de l'appart. de Paul Lefèvre ouverte -

J.M. Mondelet - J.O. pour le district - le P^r avoit devant lui au. du vol. en gant - 2 paars de souliers le 31 Decr der - les souliers ont été mis en la poss. du Marquis par le Témoin -

Jacot Marston Const. That on 31 Dec. last he rec^d from Mondelat a pair of
shoes q^t had been lost before him at Paris & th^t he have been in
his custody ever since -

Josette Larivée Des souliers app. de la magie a present en Cour ayant été exp.
pour le tem. dit - qu'il y a q^r souliers & 3 bottes, qui sont sa
propriété - lesquels valent 35 la douzaine -

Nicolas Lefèvre Que son mari est corré. & vend des souliers sur le marché - qu'il
y a beaucoup de monde qui vendent le même especie de souliers
sur le marché - & que souvent on en voit beaucoup de ces souliers
chez. Loué - que le 28 Dec. elle a vendu des souliers francs -
Qu'il n'y a pas de marque part. sur ses souliers - mais elle
con. son ouvrage de celui d'un autre ay. suivi son métier depuis
31 ans - Qu'elle a eu des app. qui travaillent à présent à leur compte

Vie. Lefèvre - une paire de bott. lui ay. été montée - qu'elle leur app. - & que c'est
une des paires qui il a perdu en Decr dern. le, estimé à 7/6 -

X
Que des souliers eloient dans le armen. Cab. avec ceux de sa mere
& aussi ceux d'un nommé St Denis - Que quelquefois on quitte
le royaume & cabane a quelqu'un pour vendre pour eux - Qu'il
y a beaucoup de personnes qui vendent de souliers sur le marché

Louis Beaudry. dem. à la P^r aux T. - Le P^r est venu vers les fêtes de Noël chez lui avec
des soules & bott. à vendre - & l'a couché chez le tem. - Qu'il a acheté
des paires de souliers de sonne especie que ceux à lui montés - Le P^r payait
avoir environ une 12^e de franc longu. il est présent venu chez lui -

Que le P^r vendoit ces souliers ouvertement -

Fran^r. Tessier. Dem. à la P^r aux T. le 29 Dec: a acheté 1 paire de soules & 1 paire de bottes
du P^r celle que ceux à lui montés -
Le P^r les vendoit ouvertement -

Jos. Gaudry Que le 29 Dec. le P^r est venu chez L. T. a la P^r aux T. & il lui a acheté 3 paix de souliers —

Le P^r vendait du maroquin ou maison —

Defense

Amable Gaudry dem. en ville, et cord^e dep. 15 a 18 ans — a eu occ. d'emp. beauj, d'ou^r que il a serv^t des ouv. travailleur de la même man. qu'il ne pouvoit point distinguer leurs ouvrages — Et qu'il est encore plus diff. a distinguer le slop work, ou l'ouvrage fait à la hâte que le bien — Qu'on fait beaucoup de ces ^{ouvrages} dans plusieurs endroits du pays —

William Bain dem. a Blois - cord. dep. 18 ans - a emp. des compagnons - a court. ou les ouv. de diff. ouv. qu'il ne pouv^t point distinguer — qu'il a eu un ouv. qu'il ne pouv^t pas même distinguer son prop. ouv. avec celui de un ouvrier — Que l'on fait beaucoup de slop work dans le pais — et est plus diff. a con. et ouvrage que de l'ouv. qui est mieux fait —

The Court charged the Jury, that they had to enquire whether the property stolen was the same as that which had been stolen by the pris^r - if they found it to be the same the pris^r was bound to answer how he came by it - if the reasons given by him, (which appear^{to the 1st} of little weight) were not suff^t, he must be presumed to be the thief - The only consideration then for them was, whether the value proved, would bring the matter within Petty or Grand Larceny - Verdict of Petty Larceny —

Wednesday 6th March 1811.

The King
John Bingle -

On Information agt the Defendant for soliciting and procuring a Soldier of 49^t Regt to desert on 14 July last on H.

Mr Hogan Soldier in 49^t some July 1799 - was soldier on 15 July last - that Dft is his father in law - Mr McCabe is a soldier in same Regt for more than 8 years past - heard D. say to Mr McCabe on 14 July last, that he was sure that Mr meant as he thinks himself the best & w^t suffer death before he return - thinks he also is to take care of yourselves - that in May or begin of June last - ~~that~~ heard Df^d say to McCabe & W^t in his house at Dowd, that he would secure some cloaths of McCabe ^{these were then} in a bakehouse until they sh^t find an opportunity to steal - that he understood o^r cloaths were to be used for disguising them - That on the 11th July last McCabe came & told him that D. wanted him - he went to his house he told W. that Nat. Elder had been there, I had gone out to look for his tools - did not see ^{W.} Elder that night - That D. told McCabe & W. that if they w^t conceal themselves in two barrels of tea was repairing the fort stay.

That on 14th July last D. sent for W. & McCabe shot them that Elder was up stairs asleep as he meant to travel all night and now he said you must rather allow yourselves to be shot than be brought back - thinks that McCabe was present - That McCabe & W. procured cloaths from o^r Elder - That D. offered two hats to W. & he threw under a table - that afterwards in the evg. Elder gave him one of the same hats - the other the clothing

x^o

by Genl Martial
That on the 12 Augt last he was tried, ~~for~~ ^{by Genl Martial} desertion - & he is now under confinement, in consequence of the sentence of that Court Martial
that before that time he was tried by a Regt- Court Martial
~~for desertion~~ & flogged for ^{McCabe said} concealing stolen goods - That before
that Ct. martial he ^{said} that they had been enticed to desert by the
S. Nat: Elder - Does not expect any pardon for his offence in case
of the conviction of Dfdr

John McCabe

Is a soldier in 49th N.Y.C. for 11 years - was in service last summer & knows
D. some that time - That D. never used any words to induce H. to
desert - That D. never s^d that he said p^r for him I wished to do
something for him - That he is the person who deserted the service
w^t Mr Stoyan -

The Court upon this evidence charged the Jury
to find a verdict for Defendant - which was done

F. De Kinez
Josette Bellanger
Appoline Bellanger
2. East. P. C. p. 632.

On trial of Indictment for a Robbery in the day
time in a dwelling ^{of Mr. Beauchamps & Harry de Masouche} a person being therein
on the 8th July last, & stealing therefrom £1. 10. 4 of
the numbered monies of Mr. Beauchamps -

Louise Beaulac

Jan. 3rd ay. Beauchamps - Des Emblet der. dem. & Harry de Masouche
qu'elle avoit enlevé une jeune fille nommée Cath. Loyer com. du 1^{er}
en Mai dern^r - & elle a vécu 5 mois chez le tem. - Que l'^{un} d'elles se rappelle
d'avoir quitté la maison de laisir de Cath. Loyer pour le garder -
Que dans ce mois son lui avt. envoyé 12 piastres - on peut dire le
mois - Que à joins elle avoit 6 piastres, & 4 ch. dans ^{un} buffet
qu'elle avoit emporté l'ayant la veille - Quelle a fermé le buffet en
cl^e le soi - le lendemain elle la ouvert pour prendre du tabac & ell^e
l'a reformé sous le cl^e deux sa poche - Que le petit garçon

son fils, âgé de 4 ans, et venu devant l'elle le soir à son retour
et lui a dit qu'on avoit ouvert le buffet — Qu'elle a trouvé la serrure
du buffet pliée — qu'elle l'a réparée — Que la petite fille n'a pas
voulu déclarer les personnes qui avoient défoncé le buffet & n'a point
cherché son argent dans le moment — Que Mad^e Beauchamps le
dimanche apres lui ayant informé que les 2 fr^s avoient été chez
le b^rm. et ayant l'adresse en occasion d'^{es} le buffet elle a trouvé —
qu'il lui manq.^t son argent — les a fait prêter & a soupçonné quelles
eux d'avoir volé —

X

Que la p^te fille a revécu qu'aucune personne ~~venait~~ venne à la
maison dans son absence — n'a point menacé ni battue sa fille
pour la faire parler comme elle — Qu'elle n'a point examiné dans le
moment si son argent manquoit — Que sa porte de la maison
n'étoit point fermée — Qu'il y avoit eu une petite difficulté
entre elle & le deux P^s en elles auparavant & les parties se sont fait
dépenser de bon manours — N'a point dit que elle auoit elle-même
cassé la serrure du buffet — ne se rappelle pas d'avoir laissé
la clef du buffet chez sa mère, ni de l'avoir fait chercher par M^e Habat
aucune personne —

Cath^e. Loyer. Qu'elle a dem. avec Louise Beauchamps l'el^e dernière — se rappelle que
sa maîtresse l'a quitté seule avec son petit garçon dans la maison —
Que les deux fr^s ont revécu à la maison pendant — qu'elles ont
demandé de la farine, du tabac en poudre à Dallard — elles ont demandé
la clef au b^rm. dit qu'elle n'en l'avoit point — alors le b^rm. a maintenu
pour l'ouvrir — que le buffet étoit dans une autre chambre — elles ont
pris le marbreau qui étoit sur le buffet — ~~Elles ont entendu ouvrir~~ le buffet — a entendu sonner quelqu'un el^e — n'a pu dire si
c'étoit de l'argent — elles ont regardé le b^rm. dans le buffet — que quandoⁿ
^{apres} Bellanger
~~les femmes~~ mettoit la main dans sa poche qu'elle a entendu sonner —
Que les P^s l'ont menacé de lui donner une volée si elle déclaroit qu'elles
seroient venues à la maison — Et une des deux, Isabelle Bellanger

lui a offert deux pastis si elle en disoit rien contre elle en sortant de l'audience — Que Lorette Billanger a pris du tabac qui étoit dans le buffet — Que les P^r ont entré par la porte de la maison qui étoit fermée à la clanche — et elles ont redemandé la porte — Quel faisoit Iour dans le tems —

*

Qu'elle a con. que sa marr^e avoit quitté la ch^e du buffet chez son père & elle avant que le bœuf fut améné devant Mr Tambault à l'assomption — ob^t l'a envoyé chercher par P^r Hubut — Que Madame Beauchamps lui a offert un destabillé d'Indienne pour la faire gagner son procès — Que la raison qu'elle n'a pas déclaré le p^r le soin à Mad^e Beauchamps étoit parce que les p^r l'avoient menacé lui donner une volée si elle disoit à Mad^e Beauchamps — Que Mad^e la battue avec un hare pour la faire déclarer ces personnes — mais c'étoit pour l'engager à dire la vérité & de ne point engager sa conscience —

Marie A. Bourguignon, Fem. de P^r Beauchamps — Que dans le mois de Juillet dernier la p^r Lorette Billanger a dit au tems qu'elle avoit volé le butin de Louise Beauleau — et qu'il y avoit dedans un pañon de souliers fr. un aum^e de drap gris & un aum^e de flanelle jaune — Qu'elle a vu les p^r sortir de la maison de Lorette Beauleau avant ce tems là, à peu près une heure avant soleil couché — et Mrs. Beauleau n'étoit point chez elle — Sait que la fille Cath. Loye y étoit —

*

P^r Beauchamps — Qu'il étoit presque longue lorsque Louise Beauleau a demandé aux p^r de lui rendre les effets qu'elles lui avoient volé — de la farine du lait & du tabac en poudre — elles ont dit — c'est votre fille qui vous a dit cela — mais n'ont rien reconnu — Que

avant ce tems la Soubette Bellanger a déclaré en sa presence
qu'elle avait été reçue chez la Beaulac le butin qu'elle
avait acheté — mais il a été que c'étoit par curiosité —

J^r B^r. Hebert. says nothing.

Defense.

Marie Reine Charpentier femme de Champsagne — Que dans le mois de février
dernier — ~~de~~onne Beaulac étant chez la D^rpost^e on vint à parler de
son procès, parlant de la poursuite actuelle — elle dit que c'étoit dommage
qu'elle avoit laissé la clef de son buffet chez sa mere — & qu'elle étoit
obligée de prendre un marteau pour l'ouvrir — & qu'elle n'a pas pu
le faire & elle a été obligé de prendre un canif pour faire passer
la serrure — Et que c'est dans ce moment qu'elle a découvert qu'
son argent manquait — Que la petite fille Cath. Layn a dit
au témoin d'avoir été battue & maltraitée par sa maîtresse pour
déclarer que c'étoit les P^r qui seroient venues chez elle la voler
de manière qu'elle l'a avoué, & que c'étoit par peur qu'elle la fasse —
Que les P^r sont des person. de bonne caractere —

J^r B^r. Hebert. Present à la sommation faite par la Beaulac aux P^r pour remettre
son butin qu'elles avoient volé — elle n'a pas parlé alors qu'elle avoit
perdu de l'argent — Ensuite elle a dit d'avoir perdu 4 piastres —

The Court were of opinion to stop the prisoners in
their defense as they did not consider the evidence on the
part of the Crown suff. to make out a Capital felony
against them —

Thursday 7th March 1811.

The King
See Skyeantes }

On trial of Indictment for G^r. Lanning in
stealing a certain Martin fur cap of the value
of 40/- at Montreal on 19th Oct^r. last of the
goods & chattels of one Peter Merkell.

Peter Merkell, lives in Montreal - that on the 19th Oct^r. last he lost out of
his shop a martin fur cap - ^{I do not know that the cap was in his shop in the morning but} The caps now known him, says,
that he never sold it out of his shop to any person - That
on same day he saw P^r in Mr Cameron's Store - ^{drinking liquor} Saw ~~the~~ ^{the} P^r cap in Mr Cameron's hands - and was by him deliv^red
to the Constable Marston - ultimate cap at 10 dollars -

Alex^r Cameron saw the pr. in his shop on the 19 Oct^r. last - he had occasion
^{to order him to} to search for goods q^r he had lost - upon that search the
fur cap was found in her possession - That s^r Mr. Cameron
took the cap from the P^r - That he sent to make
enquiry in the neighbourhood respects the Cap - & Peter Merkell
came in & claimed it - That the P^r was committed to
the charge of the Constable -

Wm Cameron, saw P^r in Alex^r Cameron's store on the 19 Oct^r. last - He searched
her & found a fur cap on her q^r he put on the counter & the same
was afterwards P^r. to Marston - That P. Merkell claimed the Cap
as his - That the Cap was hid under her short gown -

Jacob Marston. That on the 19th Oct^r. last he took P^r into custody on seeing the
Cap in question taken from under her gown - he carried her to gaol -
that he also took the cap - & carried it to Police office where he left it
with the sitting Magistrate -

J. M. Mondelet Police magistrate - That the Caps now shewn him was brought to him by
the last witness in October last - q^t has been in his possession ever since -

Defence -

Angélique Cedillette Tuille con. la P. dep. 2 ans ou l' a journ. con. pour voluse - Que le matin de
19 Octo. dern. elle et venue chez le tém. ~~en train~~ en train, & elle et sortie
de même -

The Court charged the Jury that as P^r had not accounted for the Caps, which was proved to be stolen - the law presumed her to be guilty, if the facts are believed -

Guilty of Petty Larceny -

Friday 8th March 1811

The King
John Howard

An Indictment for Murder - of James McDonell
on the 16th Sept^r 1809 at Eagle Lake in the Indian Territory.

Jac: Adhemar. Has been in the Ind. Country - and at Eagle Lake then - bin of
days between Kings ter. & U. State, passes thro' Lake of Woods - That
Eagle Lake is from 30 to 40 leagues to the north of it ~~&~~ the Canadas - is
part of the Indian Territories - no judicial establishment there -
Knew P^r at Eagle Lake on the 15 Sept^r ¹⁸⁰⁹ first time - speaks English -
one of the servants of the Hudson's Bay Co. passed for a British subject
& so as then w^t several others to the number of 19 - That on the morn^g
of the 16th Sept^r he ^{ent} at E. Lake w^t several Indians ^{with} McDonell ~~were~~
~~one~~ ten men - They observ^d an Indian at the door of one of th^e
units of H. B. C. M^r D. or L. w^t if he knew that Ind^r o^t h^r did -
does that Indian owe us any thing - o^t h^r did - he is one of our debtors

that M'D. o^d when th. Ind. is ready to go off we will call ⁱⁿ into
our camp & shew him his acc^t - We proposed to speak to him im-
medⁱately about yr hr after as the Indian was preparing to go towards
the water side with his Canoe from the door of the H. B. C. - That
W. & M'D. went up to the Indian just as he was putting his foot
into his Canoe - W^r was upon a kind of quay - q^t the H. B. C.
had made. M'D. was on the other side of the Canoe in the
water - on going up to the Indian who was then in the Canoe
W^r put his hand on the Indian's shoulder dark^o hair what;
the reason you have been at the House of the H. B. C. - What
o^d noth^s - M'D. told W^r to tell Ind^m to come to the Quay & we
w^d shew him what he owes us - W^r told him so but the
Indian made no answer - That at that moment there of a 10
servants of H. B. C. who were employed in scaling fish - That
one of the o^d men came up to the W^r God buss^r or eyes you
shall not take the Indian upon our Wharf - That the man's
name was Strang^r - he understood Indian language & heard what
W^r o^d to the Indian - & he supp^r that it was meant to carry away
the Indian by force - q^t was not the Case - that almost all
the H. B. men understand the Ind. Language - W^r ans^r we do
not come here to take the Indian - We come here to speak to him only
as he have a right to do - we do not come here to quarrel with
you - but to speak to the Indian - That during this time the
^{& the woman} Indian was pushing off the Canot w^t his paddle from the wharf
M'D. was holding the Canot by the Stern but following the Canot -
& not endeavouring to draw it back - W^r was all the time at the
wharf - That the Clerk ^{of the} H. B. C. ^{then} ^{the} ^{man} ^{was} ^{on} ^{the} ^{water}
the water side, I cried out, what's that? what's that? - He said to
M'D. - Dont take the Indian at our wharf - when he is gone
off from the wharf there will be no objection - M'D. o^d No no

we dont mean to come near your wharf - Then the 9 or 10
men who were on the wharf said, are we to let the Indian go -
Corrigeau ans? - Let's secure the Co['] property - meaning all the
upper property in the Canoe, but of which he has no knowledge.
That two of the men run from the wharf to the Canoe & laid hold
of it by the middle - That hearing this noise, I doubtful that
some disturbance mt. ensue, he went to the ~~other~~^{end} of the ~~Canoe~~
while McD. held the ~~other~~^{oppo.} end - That they were then about
15 or 20 yards from the wharf & start into the lake - That he
had scarcely time to get to the Canoe, when ^{all} the other men who
were on the wharf run up to McD. and pushed them from
the Canoe - till that moment McD. kept hold of the Canoe -
The Indian then jump^t out of the Canoe into the water, and
McD. went up to him & laid hold of him by couette - That he
also w^t. up & laid hold of him & 3^t come along Romarade to our
Camp - That some of those men laid hold of McD. & threw him
down in the water - & then laid hold of McD. - but did not
throw him down - That McD. cried out to them - Don't lay hold
of me - The Indian ^{bangs his} then went off into the wood, leaving his Canoe.
That after McD. had disengaged himself from them he drew a
couteau de chasse which he wore, and struck some of them with
it - That they still want to lay hold of ^{McD.} & he struck at them
10 or 12 diff^t strokes on all sides to keep them off - That the
Canoe being then near to him he obtained a gun in it, & he laid hold
of it by the small end to fire it in his defense - when two of them
came up & wrench'd the gun from - That when Corrigeau who was on
the quay ~~saw~~ saw McD. striking at his men, called out to those who
were on the bank to go for their arms - That we upon this cast
his eye to the bank & saw two of H.B. men each with a gun
come towards the bank, where they stood, at a distance of about 50

yds from where M'D. was - That two of the H.B. men were
hit by M'D - upon which they drew back - That he went up to
assist M'D. I saw one of those men w. a knife, one with a
paddle saw. & the gun of had been wrench'd from the
hand of the witness -

one German told Mr. that care, they are going to fire at you - That
one of them stood behind a pine tree of which had been cut down
which had a gun in his hand - He took out his pistol of he
presented it this man & told him to go away, or he would blow
his brains out - That at same time Parisien run up to this
man & gave him a blow with the head of hatchet - upon
which the man drop the gun & called out to the We dont
fire - dont fire - That during this time all the men who
had been engaged w. M'D had withdrawn from him
towards the bank except one who had rec'd the cut - Cleat
M'D followed in order to take the road they had come
to go home - That in order to return to their camp, it was
necessary to pass before the house of the H.B. Co - That
M'D might have killed half a dozen of them if he had
choosen to do it - That he never experienced an irritation of this
kind - on the contrary the fray seemed to have ceased -
He has no kn. to have seen the P^c at that time or till then
during the fray - Cleat as M'D was coming to the edge
of the water, one German, called out to him, take care they
intend to fire at you - Cleat the man who had been w^ho^ding his armⁱⁿ -
went up the bank, someone else - who has done that to you -
the w^h man turned round & pointed to M'D. S^p? here is the
fellow coming - Then he saw the P^c come forward ^{from the rest of} 6 steps
on the bank, holding a pistol in his two hands pointed it at M'D

Then at the bottom of the bank at about 7 or 8 steps from & fired at
at him - That M'D. did not fall in. That the Mr. had missed
him, but observing him to stagger towards him he ran up to him &
he fell into his arms - That he rec'd an wound in the back, both
shot - He attempted to speak but could not - and died in about
10 minutes after - That M'D. cloaths were brot by W. to
Fort W^m - That the evening was buried the evg of the next day -
That he exp. the wound & found the pistol had been loaded with beaten
shot -

x^o-

That they had encamped the evg before this affray - The H.B.C. had
been established a month before & had built a house - was not in
that house - That Mr. Corriegal came to their boat when he spoke with
him - That some of H.B.C. had remained their camp - but he knew
none of them - That he recollects having seen the P. pass between
their encamp^t & go to the woods - That when he went to speak
with the Indian he was armed - That it is usual to carry arms in
that country - That he had 2 loaded pistols in his pocket, but not in
view - That M'D. had a cutlass which he wore by a belt - Did
not see the H.B. people carrying any goods on board the Indians Canoe -
That the H.B. house was very perceptible from their camp did not attend of any
thing had been carried from that house to the Canoe - did not see any goods
in the Canoe - did not attend whether there goods in the Canoe - Heard
none of the H.B.C. claim any goods in that Canoe, nor attempt to
take any - That the Ind. Canoe was on the right side of the river - the
furthest off from their encampment - That when he went up to the Canoe
there were 10 men with them, & Stranger, one of them was the man to Mr.
that one Harvey was among them - That Mr. Corriegal cam up a little after
he went there - That he is certain that Strange was busy sealing fish when Mr.
came up - That Indian had left the Canoe, when Mr. Corriegal came up - That
Mr. was then speaking with Strange - That he did not hear Corriegal tell
M'D. deliver up our goods to us, you may do with the Indian as you please -
That q. men went up to the Canoe, does not think it was to take any goods
from it but to prevent M'D. from taking away the Indian - That M'D. meant

to take the Indian at his will - but he did not seem to make any resistance - That the man who rec'd a blow from M'D. with his cutlass attempted with the rest to lay hold of him - That this man was one of those who had laid hold of M'D. before he drew his sabre. Did not see M'D. run after this man after he had given him the blow - but this might have happened without his knowledge - Does not remember at that time to have taken out a pair of pistols & to have presented them ~~to~~ a man opposite to him, during the time they were pulling at the Canoe - Did not call upon Pariente to come down to their assistance - That the H.B. people run away to the bank - That does not see ~~the~~ among them - That M'D. followed deliberately towards the bank - That he saw no person attend the person who had a wound in the arm help him up the bank - That when M'D. foll'd that man he was still on the road qd led to the House of the H.B. Co. I had his sabre drawn striking it as a walking cane - shed it in that state when he was fired at by P^r - That if M'D. had taken a longer circuit he made have taken a diff. course to return to his tent - but where he then was it was the same road by qd they had come, & the usual road - That he did not walk fast - That it might be 9th hour from the beginn of the affray till M'D. was killed - That there were several of H.B. Co. of same size as P^r - That he ~~was one of the~~ ^{was} ~~person~~ who went to ask for surrender of P^r next day - Then Corral d^r It was the same person who had been pillaged by the people of N.W.C. of his flocks 2 years before - That he was then alone - That some days after he went with ~~several~~ ^{two} others to demand the man who had killed M'D - That he described him by his figure - That he has ^{no} knowledge that when the party went up to the H.B. house that if they w^t not deliver up the person who killed M'D. or some one for them, they w^t kill one of them - That after the P^r was deliv^d up, he had no conversation with ^{Corral or} Catt, or any other, that he did not know the person who had fired the pistol -

Jas. German. Has been at Lae D'craig - was there in Sept: 1809 - saw them late M'D. & the p^r - there was 15 men below to H. B Co includ. their conductor - There were of the N. W. Co M'D. Mr. Adhemar & the 2 bourgeois, other others - That we saw the P^r holds a pistol in both his hands & M'D. was at the bottom of the bank - That he was at the bottom of the bank before the pistol was fired - was not at the beginning of the business - There one Beauvill called to us saying Mr M'D. has got into a quarrel - went down the bank and went into the water - When Mr. Adhemar last with^t called out, "aux armes mes enfans il vont nous tuer" upon this he wanted to go to his tent, but being told there were no arms - he looked round & found a cedar paddle - That he ~~saw~~^{met} M'D. who had been pursuing a man w^t his sabre - That the affray app^d then at an end - That an old man passing by: not to strike him. to let him pass - an^r. who had rec'd a stroke on the arm says look at me Master - s^d never mind that day go to the house - Cleat P^r ask^d this man as he w^t up the hill who did that - That there was no person with him - that ~~M'D.~~^{was}, close to he passed close by M'D. at a slow pace - That the wounded man turned round & here is the fellow, when the p^r - that seeing the P^r with a pistol in his hand points to M'D. he cried out take care they are going to fire at you - That shot went off immediately & M'D. fell - There were besides 4 or 5 more of the H. B Co who had guns in their hands - That M'D. was killed by this shot was buried there -

x³

That they arrived the day before at the Lae D'craig - that he has been 5 or 6 years in the service of the N. W. Co - is so still - Cleat when he went down to water side he saw ~~Adhemar~~ some Lait who wanted to fight w^t Adm with his fists - but saw no blow given - That he saw M'D. along side of the Canot w^t several people about him - he saw no cutlass then in his hand - but after M'D had gone to look for an arm, he saw M'D. with the Cutlass

that Corrigan was a little further up the bank than McD.
that McD. & Corrigan were talking together when this man who had
the wound in his arm & took his master - did not understand
what passed between Corrigan & McD. That immediately
the P. who was at the top of the bank asked the wounded
man who did this to you - that McD. had his cutlass drawn
then - but had it pointed down on the ground - That the
other men of the A.D.C. were then on the ^{top of the} bank - that he
saw the P. the evs before this affair happen - having passed near
this tent - never spoke to him before - was near the parties
when the shot was fired - saw McD. follow a man
wt. long red hair, ^{when they were} in the lake - did not see him strike him -
that he afterwards saw the same man set a wound in
his arm - That McD. was too distant from the P. to have
struck him - and did not hold up his sabre with a view to
strike any one -

Angus Shaw - Has been in the Indian Country up to 118° West Long. - That
the line of division under the Treaty of Peace runs ~~through~~ the
Lake Superior to the Gr. Portage - to the South of g¹ line are the
American territories - knows site of Lee & Craig - g¹ is
considerably to the North of the s² line - It is in what is called
the Indian ter^r and is not in the Jurisdiction of Lower & Upper Canada -
took depo^s of Pariseau - Adhemar & Germain respecting the death
of late McD. - That he does not know where this Parisian
now is - issued a warrant agt. him at the instance of one
Corrigan for burglary - has been no return made on this warrant

That Egl. Lake is to the N. of them - there are several Egl. lakes but
much further to the North - knows no lake called Egl. Lake to the

South of the line - That the N.W. Co had an establishment
at Eagle Lake north of the line under the conduct of the deceased
in 1809 -

John

Sol. Genl moves to recd the ap. of Parisien, now absent &
not to be found, having absconded in consequence of a warrant
having issued against him - cites McNally p. 288 over-ruled -

Defence.

Will: Corrigan, That in Sept. 1809, he was the chf clk of H.B.C. at Lake Ayle
in Sept. 1809 - That they arrived there about 1st of that month - built
a house there - That on 14th of same month late Mr. & his party
arrived there - formed an encampment in their neighbourhood - That the
estab^t of H.B.C. was form^d for trad^s. w^t Indians - Had occasion to
deliver goods to an Indian ^{to be kept in the service of the Co} - employed some of his men to carry the
goods to the Canot - the goods were not yet deliv^d to the Indian -
That on 16th Sept in the morning sent down some goods & the canoe of
he had taken from the ~~Indian~~ the evening before for a debt he owed
him - for q^t he was to make return in furs - Shortly after the
goods reached the Indian went down - he was
standing at the door of his house looks at Indian, saw
all Mr. D. & Mr. A. who were running down the bank very
fast - having some suspicion of them that they might cheat
him of his credit by seducing the Indian he went down as fast
as he could to hear what they had to say - When he came down, he
saw Mr. Ad. upon the wharf & Mr. D. in the water - Ad. asked
Indian if he knew his trade - Ind. s^d he owed them nothing
meaning the persons then present - That he owed the latter Eng^t
at Rain Lake 30 carots, but owed them nothing - Ad. asked
them to come to his tent to see his debts - Ind. r^d he w^d not go -
made a spring into his canot with another & a squaw of
on

one of his men was hold by the stern - That Mr D. laid hold
of the Canot by the ~~gunwale~~^{gunwale} as the Indian jumped into it & and
dragged the Canot out of the hand of the man who held it -
That the W^r being on the wharf ask^d Mr D. to deliver up
to the C^o their goods, & they might do with the Indian what
he pleased - This he repeated 3 times. That Mr D. looked hard
at him, but made him no ans^r - That as he was advancing
w^t the Canot W^r ord^d Jas Tait & Mr Corryal to go and
take hold of the C^o's goods - That Mr D. was dragging the
Canot towards his encamp^t - That as Tait was laying hold of
the goods Mr D. lifted up his hand as to give a blow
laying hold of Tait's arm w^t the othe hand, as if to strike,
but did not see any blow given - That upon this he
saw Ad^r who had come down from the quey & was near
the Canot in the water, draw 2 pistols from his pocket - That
as soon as he drew his first^t Mr D. made two steps back
and drew his cutlass - made a stroke at same Tait who
rec^d a blow - Ad^r run to the Canot & took up a gun in it
and it app^d to W^r as if he was cocking it, having put his
pistol up in order to lay hold of the gun John Esen one of
his men wrenched it from his hand - That he thinks that Parisien
struck Esen first with an ax on the shoulder, whereby he
fell into the water with the gun - The joint of the shoulder
was dislocated - That Mr D. struck Esen also, but does
know whether it was before he was struck by Parisien or not -
That after shot^s. Tait, Mr D. went up to one Flett who
was cleaning fish for his breakfast on the wharf, who had

nothing to do with the quarrel - that Flatt run round the end
of a boat & saved himself - That Ad^r. drew his pistols again
Leapt up to John Corryal who was then in the water ^{a moment then} at
his breast I^r you dam^r. rascal I will blow your brains out -
M'D - then turned from follows Flatt & turned upon Dr Corryal
as M'D. was between him & the shore, he ran out into the
deep water - finds water yet too deep made a circuitous course
to get back to the shore - in doing which Corryal was cut in
the arm to the bone having held up his arm to defend the
blow of he saw coming - He then came running ashore saying
his arm was broke - That M'D. pursued another man, who
was quick enough to escape the blow by getting up the bank
during this time M went & laid hold of Dr Corryal to support
him up the bank - That Corryal is a stout man w^{t.} ~~the~~^{the} hair
approaching to red - That being about of up the bank, looked
round & saw M'D. with his drawn sword coming after him
So looking toward side of N. W. ^{on the} ~~on~~ ^{I. N. E.} saw a man behind
a tree w^{t.} a gun - he was a Frenchman, spoke something to Mr
M'D. q^t h did not understand - M'D. ans^r to damn
them I'll do for some of them this morning - meaning as the
W thinks to kill some of them - That when he was going up
the bank he passed the P^r who was going up also - M'D.
being then behind them - being near top bank where a good
many of their people were collected - thinking he saw the P^r
give a sudden start as if to face M'D. who followed him -
He had not taken above 3 or 4 steps when he heard report of
a pistol - looked round & saw M'D.'s sword up above
his head in a flourishing manner - He saw M'D. at the
water side his pistol w^{t.} one of them dropt from his hand - M'D.

Mr. took wounded man into the house - does not know who fired the gun - but is sure it was not above ten yards from him & that he was near the top of the bank & Mowatt near him - that Mr. D. was very near to P^r. That there were several persons ^{rather} behind Mr. between him & Mr. D. who were going up the hill also - that he saw no arms in P^r's hand - that when the men were all in the house P^r showed him his jacket q^t was cut w^t some sharp instrument - that at time when shot was fired - P^r was near to Mr. D. but cannot say whether near enough to be struck by his Sabre - P^r was somewhat lame - & therefore not so quick in getting up the bank as the others - That ^{on Monday afternoon} ~~some days~~ after Adhemar Holden came over & made a demand of the P^r & they expected one of their Partners L^r? They w^t then demanded the man who had occasioned it - That an afternoon of next day McLellan arrived in a Canoe & on land pointed a gun at ~~some person~~ ^{the Hope of} H B G. where on Tait there was fired it - That shortly after McLellan, Holden & Adhemar came to the house & desired the HZ to deliver up the P^r or a man, as we do not know the person, meaning the man who killed Mr. D. & he did not know the man more than they - That Adhemar was present during this conversation & d^r nothing to the contrary, as they all seemed not to know who the man was - That all the men were then present & Holden pointing to one Ed. Mawat said I suppose it was that man - that Adhemar was then present ^{nothing} - That he does not recollect to have seen at that moment the P^r - That a few^r HZ came in among the men L^r it was necessary that some man should be given up

Has known P. for 16 yr -
during qd time he has
had the character of a
gent inoffensive & a
 sober man -

up to save their lives upon qd P. said then I will go -
that P. was carried to Lake a la pluie - & it was agreed that Mr.
Ld. go to Montreal as a wit^r for him -

X^r

That the affray happ'd in the morn'g of 16 Sept - That the
H B Co had goods in the Canoe, but had not been delivered
to the Indian - that the Indian was to have the goods on
credit - That there might be 4 or 5 men on the wharf near the
Canot cleaning fish - Did not see any of his men attempt to
push MD. away from the Canoe - when he gave order to his men
to save the goods - that he saw notwithstanding men near the Canoe
but Corneil & Tait - That when a demand was made
for delivery of a man & the P. agreed to go with the persons
demanded - all his men seemed to agree to it -

James Tait.

Was in employt of H B Co at qd Lake in Sept 1809. had
been there & erected a house before st. W Co people app^r there -
that N W Co encamped about 40 or 50 yds from them - That
they had been there 2 or 3 days before the affray - under the direction
of MD & AD - That the encampment were visible the
one to the other - That Mr Corneil the H B Co Clerk there
had given orders to convey some goods & canoe were letting down
to the water side on the morn'g of 16 to be deliv^r to an Indian
that the canoe & goods carried down to water side by Wm Strange
& Thos Harvey & a third person whom he does not recollect - When
they were putting the goods in the canoe MD & AD arrived
that Wm C - ~~came~~ down from the house at same time -
that the Indian, MD & AD. were speaking tog^r when W C
ran up to them - That saw MD - they told of the Cano

after this conversation, & the Indian went away - that Strange &
McGargal were then near the Canoe - Mr D. was dragging
Canoe towards their encamp - after the Indian had left it -
that Mr D. was taking the Canoe off the command of the Indian
of the H.B.C.'s servants then present - that Mr C. told
to Mr D. to give him his goods and to make off the Indian
what you please - That Mr D. made no ans^t but went
to drag away the Canoe - That Mr C. cried out Mr D. let
Connal to go take care of the C.^ts property - in consequence
of q^t. when Mr C. went & laid hold of the middle of the Canoe
in order to get the goods of. were in it & secure them - When
Mr C. laid hold of the Canoe Mr D. struck him w^t his fist
on the ear - that Mr C. raised himself & held up his arm, when
Mr D. stepped back drew his sword & struck him aroon the
shoulder with the back of the sword - that he then abandoned
the Canoe, when Mr D. struck him w^t the edge of the
sword below the ear - the Mr C. attempted to escape, but
was follow^d by Mr D. who cut Mr C. again in the left
arm a cut 4 inches long - that he has the scars of these
wounds yet upon him - that he had not assaulted Mr D.
when he rec^d these wounds nor given him any provocation
but was only obeying orders of his master - That he rec^d
the blow on the arm when he held it up to defend his head -
That Mr C. saw Mr D. take up a gun q^t. was in the Canoe
q^t. he cocked - it was wrenched from him by one of the
H.B.C.'s servants - when he thinks he drew his pistol -

That as W. was whipping a man of the name of Parisien came up to him with an ax & made a blow at him w^t it q^t. he fended off - That he turned round & saw Ad^r. point a pistol at breast of Mr. Gougeal saying you d^r Rascal I will blow your brains out - That after this he saw Mr. Gougeal running with Mr. Lake & M.D. followed him w^t a drawn sword - w^t an apparent intent to strike him w^t it - That saw no ~~the~~ provocation given to M.D. by Mr. Gougeal except his endeavour to get th^e g^r goods - That soon after he saw Mr. Gougeal coming up the bank accompanied by Mr. G. w^t his arm cut & bleeding that Mr. G. assisted him up the bank. Saw M.D. - now after one Mr. Ewen make a blow at him & knock his hat off - That Ewen fell in the water, & before he could recover himself Parisien came up and struck him with an ax on the shoulder & dislocated it - That he next saw M.D. come out of the water towards the path leading up the bank to Mr. H.B. g^r house - That there were Thor Harvey, Mr. Mowatt & several others then coming up the Hill at the time between M.D. & W. who was by this time come up to the top of the bank - That they were all in the same path after one another - That M.D. was coming up with the sword lifted up over his head - That he was then on the bank & saw distinctly the d^r M.D. make a stroke at P^r - but cannot say whether he struck him or not - That P^r might then be about th^e length of table's distance from M.D. - That Mr. G. who supported M.D. was also near - That he saw P^r start to one side of the path as if to avoid a blow - That P^r was somewhat lame q^t reason he was

got home so slow - & the reason he was among the last who
got up the hill - That he was distant from the house
about 7 or 8 yards & he was about a minute & half in walking
there after he had seen P^r start from the path, and that
upon his getting to the house he immediately heard the pistol
fired off - but did not at the time when he saw P^r start
from the path did not see P^r with a pistol in his hand
fire at M'D - That from time that the Canoe was seized
there was nothing but one continued attack upon one or
other of the people by M'D, until the time of firing the
pistol, that the H.B.C. was much alarmed, & had reason
to be, & they verily believe, that the men who were next
to M'D when he was coming up the hill were in danger
of their lives - Did not see the white German, during
this affray - That on the day preceding he worked with
Mowatt at making nets sometimes in the house & some
times out doors - is one that he was not absent so long
as to have gone to the N.W.C. camp on that day - That
none of the servants of the H.B.C. had occasion to go
that way - That on 25 Sept^r demand was made of the
man - by Dick M'D. Mr Holden & one McLean
& other men - said, that as they did not know the
men themselves, the H.B.C. men had better deliver him up
otherwise they w^d pop them off one after another as they came
out of the house, what they would not do they w^d get the
Indians to accomplish - That Holden was the man who spoke
and all the others seemed to assent to it - That he

he wintered with Ad. at La Capelle, and he repeatedly in conversation with him ^{said} that he thought that it was Edwd Mowatt who had killed M.D. not P^r. It has known the P^r for several years - had the character of a quiet inoffensive man, not given to quarrelling -

X-

That there were several of the Co^r men at the water side birds more charged to take down the goods to the canoe - some cleaning fish & some standing by - That M.D. ^{saw} ~~was the first who~~ arrived at the canoe at same time - ~~that during all the time~~
~~had no gun~~

Cart. 284

The Court charged the Jury to consider of the facts and settle the contradiction apparent in the evidence - If they believed the Wits for the prosecution the P^r was guilty of murder - as ~~it~~ by their testimony ^{it w^d} appear that the P^r was wholly unconcerned in the affray, & maliciously lay cold blood upon asking the question of the wounded person who did that ^{in self defence without cause or provocation} - On the other hand if they believed the testimony of the witnesses for the P^r there were two objects to be considered, whether he was guilty of manslaughter or of a justifiable homicide - If they believed that the P^r was in the affray, had been struck or struck at by the deceased & had started out of the pathway in order to escape, and had after he was out of danger returned to the charge & shot the deceased, he must be guilty of manslaughter, as it was an act of vengeance he committed - if on the contrary they were of opinion

that the P^r shot the deceased at the time of making
a blow at him or immediately after it was made
in order to save himself from a further injury -
the P^r is guilty of a justifiable homicide
only -

The Jury returned a verdict of
Manslaughter - —

