

Henry's Bunch. N. Rivers

March 1817

Kings Bench - Three Rivers -

Thursday 13th March. 1814

Present

Ct. Just. Monk
Ct. Just. Reid
Ct. Justice Bowen, P
Ct. Justice Beard. —

The King
Par^m Tetreau }

On conviction for ^{Horse} ~~Sheep~~ Stealing —
The Ct^{ts} Gen. moved for a rule on P^r to
show Cause why the Ind^t of 16th March
last sh^d. not be carried into execution as herein —
refus to case King v. P. Madam. Leach ca. 263.

Ordered for Saturday next

The King
Ant^m Pichet
Louis Laurence
Jac. Lamirande
J^r Maillat
Doyery Maillat }

On trial of Indictment for
a Riot —

Pr^e Foretier, of parish of Riv. du Loup —
about 10^o or 12 July last he had made up
a fence between him & his neighbour ^{ant. Pichet} & to prevent
difficulty he made it entirely on his own
fence

land - That while he was making up the fence
a bailiff, Gorman, came on the part of A. Pichet to
summon him not to make the fence then as it annoyed
him - he ans^d that he was making it on his own land
& on his own utility - this fence was about 10 or 12 feet
from the windows of the house of Pichet which looks
into the premises of Mr. & G^r. Mr. wanted to prevent seeing
a bad example - he made it strong - after it was
done, Ant. Pichet & P^r Pichet his brother went to one
Jos. Fortin's - That next day he was informed
that the fence w^d be thrown down when he went away
from home - upon this he made a pretence of going to
Quebec - and on the 14th he went off in the morning
at the time he had fixed - he came back towards the
even^g. and ret^d to his house thro' the fields, went to watch
the fence w^d another Mr. and in about half an hour he
heard the knocks of the fence begin - it was between
8 & 9 o'clock in the even^g of 14th July - he could distinguish
those who came just to the fence - they w^d from time
to time to throw down the fence till about 11 o'clock
at night - He first saw P^r Pichet, the brother of his N^r
August Pichet - he afterwards recognized Dezery
Maillet and Ju B^t Maillet who live at the house
of Ant. Pichet his neighbour - Saw Ant. & P^r
Pichet & a third person gathering stones in the yard
wth

whats they carried into the house of Ant. Pichet -
That as soon as the work began of breaking the fence
Ant. Pichet came out of his house and said he would
go away as he saw there was going to be trouble

Here some of the Petty Jury remarked that one
of their fellows, ~~Mr~~ Proust, was in a state of inebriety
and unable to discharge his duty as a Jurymen, the
Court thereupon discharged the said Jurymen and
wth the consent of the Defend^ts swore on L^d. Carri^e
in his place, and the W^r began his evidence anew.

That this was after he had set his people to work
~~up~~ gathering stones - That the only persons he
recognized were P^r. Pichet - August. Pichet - Derrey
Maillet & In B^t. Maillet - there were others but he
did not know them - he never saw above 3 at a
time come out to work at the fence - That next-morn
his servant-girl gathered up 'a parcel of stones of^t. had
been thrown & some boards of the fence of^t. had been
thrown down - the next evn^g the same work began
saw Jas. Lamirande f^{el}s - Louis Lauranger, among
the persons assembled, but did not see either of them do
any thing - saw also several others but never more
than three together at a time - the 2^d/₃^d of the fence
was thrown down the 2^d night - many stones were
thrown

thrown by the contingents of his store - That he heard
Ant. Pichet some weeks before this say that W. lived
too quietly, and he Pichet must create him a little disturbance
and he knew well how to do it -

X

That there was one Xavier Nolin, & May^r. Courau
in the house w^t. W^r -

Xavier Nolin - w^r. P^r. Fortier - about middle of June last he
met with Ant. Pichet, who told W^r that S^r. Fortier
had lived quiet for two days & that he was determined he must
leave the place, and that he knew how to go about it - he
had already obliged D^r. Arnoldi to quit the house, & Fortier
must leave it also - must^d. the manner he used w^t. Arnoldi
in throwing stones at night - This the W^r went^d to
Fortier - who request^d of W^r to assist him in defend^d
his property - to w^t. W^r consent^d - On the 14th. July last
as he was coming towards Fortier's house about 9 or 10
o'clock at night, he heard some persons knock^d at the
fence - he drew near enough to recognize as he that
S^r. Pichet & Aug^r. Pichet - the W^r went into Fortier's
house went up stairs to a window in the ground end
of the house and saw at different times persons come
out of house of Ant. Pichet, & throw stones at the
fence or give it a blow w^t. an ax, but could not know

them - saw sometimes 2 & sometimes 3 together do so
next day - L^d Lawrence came to house of W^r & said
thank you we have settled Mr F's fence - W^r take
care you are not arrested - Lawrence s^d it would
not be advisable to come there & attack them as they
were well armed - and added, the rest of the fence
will come down to night and dragged into the river
that next day M^r acquainted F^r with what Lawrence
had told him & he requested M^r to come again & assist
him - he went & saw stones thrown up his door -
and at the fence - there were sometimes 3 sometimes
four at a time who came forward but he would
not tell any of them - that M^r is short sighted
could not so well distinguish people at a distance.

x

That Mary Cowan was present part of time on
Sunday next

Margt^r Corriall - that she was at house of P^r Foster on
the Sunday evening, and heard people knock^d at the
fence & throw^d stones - but could not distinguish any
person as it was too dark - that some boards in the
fence were knock^d down that night & next night a
great part of the fence was thrown down in same way

x

Heard Fortin say he would build up a fence to
 condemn the window of Ant. Piché -

Michel Golin. vs. M^r Piché & Ant. Piché -

Jacques Lebourdais, Print. Curé of the Paroisse de Loup - one
 day in court Ant. Piché came to ask W^t about
 how he should settle w. M^r Fortin - on the subject
 of the trouble of had taken place, of M^r understood
 to be about the break's down fence - The W^t told him
 to go settle w^t him -

M^r Deblois - one of the bailiffs of Court - says that he was
 req^d. by Ant. Piché to make a sommation of Fortin
 not to build his fence when he intended, or he would
 prosecute him - The W^t did so & Fortin told him to
 w^t make his fence -

That on 2^d day after the attack had been made upon
 the fence there w^{as} four boards ^{with} of the fence were knock^d
 down -

There hav^g been no evidence of Lac. Lamirande
 a verdict of "not Guilty" was found and he was then
 on motion of Defend^t counsel sworn as a witness for
 Defend^t -

Defence

Jac. Lamirande - on the 14th July last he sent his son ^{Jac.} to Three Rivers from Riv. du Loup where W. lives, and on even^g of that night W. has no kn. of his son's being at Riv. du Loup that even^g -

Chas. Groux. lives in the vicinity of the town of Three Rivers - on the even^g of the 14th July last he saw Jac. Lamirande fils at his house from 7 to 9 o'clock on the even^g. 9th was on a Sunday even^g - at 4 o'clock next morn^g he came to take charge of his horse -

Mrs. Moffatt - lives at Riv. du Loup - on the even^g of the 14th July last Dorothy Maillet & Bth. Maillet were in her house from the fall of day to midnight of that day -

Is the mother of Bth. & Dorothy Maillet - she lived at time at house of Ant. Picket - heard noise at fence - did not go out to see - the persons of house were then outside -

Mr. Portugais was charged wth warrant to arrest the Defend^{ts} - saw fence - about 8 or 10 feet of fence was standing

Louis Precourt, went wth Capt. W. to execute warrant ag^t Def^{ts} on 17th July last - saw some boards 9^{ft} appeared to have been forced, but none removed altogether -
Verdict. Guilty. -

N. 360

Sheppard }
Burns - }

On Defend^t: mo. that Ca. be granted and
Defend^t: admitted to enter a com. app^{ca}

Verina for Def^d: The Plff has set aside his
writ of Ca. by notifying Def^d: to enter com. app^{ca}
on back of the writ -

also case of
Barnard
Hughes { 1807

There are no sufficient causes shown in the affidavit
to hold Def^d: to bail - that he was informed - that
Def^d: was about to leave province - the information
not in the terms of the law

Agree of counsel for Def^d: offers affidavit

Friday 14th March 1817.

The King }
Aug^r: Dequise }

On trial of Indictment for Burglary -
on Nov. last.

Pierre Careau - lives in town - rents a house there
in which he and his brother Frank Carjeau reside, they
are partners in trade - about 15 days before 1st Nov -
last and up to the time of the felony committed. no
person slept in the house they only worked there in the
day time and that he had left the house about 2 o'clock

in the afternoon of the 1st Nov: last - he returned
afterwards about six o'clock to shut up the house, and
on going into the house he perceived the window had
been broken open and ~~seen~~ a man at the window who
ran off - they pursued the man and caught him -
The W. went to his trunk & found that it had been
broken open, as he supposed wth an axe w^{ch} lay by it,
and that a sum of money q^{ty} belonged to him & his brother
had been taken out of it - There was about 18 or 20 dollars
in pieces of 2/6 and 1/3 some piece of 2/5 - that there
might have been 10 American of Crown more or less in
the number - is certain as to 4 such pieces -

Jean Gabouri - 112 Pⁿ on the first Nov: last he was in company
wth Franz Carzeau when he saw a man come out of
the house of Carzeau and run off - The W. pursued
but lost sight of him on turning a corner of a street -
but saw him again as he turned round after him - at
last he saw him run into the foundations of the new
Prison - The W. went for assistance and in about eight
minutes returned wth people and found the Pⁿ in the
foundations - The Pⁿ seemed like a man in despair
called for a knife to destroy himself & he had
something belong^d to the Carzeau's of he wished to deliver
to the W. and upon Carzeau's coming up & saying

that his money had been taken the W^r took P^r under his charge - The P^r ask^d Carreau what money he had in his chest - he P^r about 16-17 dollars in hf dollars & trente sols - the P^r said he had also small money in his poss. copper & shillings - very well Carreau? whatever shillings & copper you have shall be given up to you, but the other money we will take - the P^r then went to a place in the prison foundations took up a parcel of money wh^{ch} he deliv^d to W^r and of. he understood to be the money taken from the Carreau, it consisted of 14 dollars & 4/ in pieces of 2/6 & trente sols w^{ch} one piece of 2/9. 9th was afterwards deliv^d back to Carreau by order of the Magistrates - there were 12 or 13 pieces of american hf dollars - The P^r did not say that he had taken the money but that he had a sort mal-heureux -

The evidence for Crowe was closed -

Jean Brenniké. K^o. P^r who lived wth W^r as a servant for 3 months last Spring - he conducted himself like an honest man - W^r observed once or twice that he was not so steady in his manner -

Fran^{cois} Forester on Monday last he was called to see P^r in his capacity of a medical man - he found on his head a

wound

wound, the P. told him he had sup or seven years ago recd. that wound, and wished to know of W. whether that wound would occasion him any unpleasant sensations, the W. told him it was his opinion that such a wound might occasion great pain in his head and perhaps affect his mind at times, but that was a thing he could not assure - but has seen such consequences arise from wounds of that kind -

Thomas Lesperance - The P. was brot. up in house of W. when young, about 16 or 11 years ago he got a blow on the head by a horse's foot of. occasioned him a violent contusion & some bones were extracted from the wound - In consequence the W. observed that there were times when P. appeared unsteady in his mind - he w^d. run off to the fields & be absent two or three days -

Olivier Larue - mason - he last spring employed P. to work for him - he frequently observ^d P. to have absences of mind - and particularly about 7 or 8 days before last Nov. he perceiv^d. the P. was much deranged - He always had a good character as an honest man

Verdict - Not Guilty -

The King }
Et. Basile }

On trial of Indictment for Gr. Larceny -

Augustine Gill was sworn as Interpreter -

Michel Louis - is one of the Abenakee Indians slave of Becancour
1st P^r that he ^{agreed wth P^r to go a} ~~was~~ hunting wth P^r in the woods
behind ~~Baron~~ du Loup in Dec. last and put up the
butter for this purpose - That the W^r hired the P^r as a
servant for the winter & was to pay him wages - & what
P^r made in hunting was to belong to W^r - The W^r had the
diff^t. articles ment^d in the Indict^t. of he concealed in the
woods - That about 3 weeks after he saw the P^r with
the effects in his possession - That the W^r claimed the
effects at the house of one Marianne Baron wife of
one Plessis, where the P^r was, but the P^r drew his knife
and threatened P^r of induced W^r to retire - The W^r
lodged a complaint of him - he was in consequence arrested
~~with~~ ^{with} the things in his possession - Values pearl & flower
at 15/- and the other articles at thirteen dollars -

Verdict. Guilty -

The King
v
Jury^{ts} Richard

On trial of Indictment for ^{Sheep Stealing}
~~R. L. L. L. L.~~

Joseph Elie of parish of Becancour - 1st P^r who
lives in Three Rivers - That he had at diff^t times in
Jan^y. & Feby. last lost two Ewe sheep - he ~~at P^r~~ a search
warrant and went to search house of P^r who being charged
with the crime, acknowledged it, and upon going up to his
garret he found the two skins of his sheep & one of the
sheep - Knew the skins by the marks on the Ears -
values his sheep at 50/- 6/-

^{x^d}
That no promises or threats were held out to the P^r
to induce him to acknowledge the offence -

Thomas Coffin - Esq. Magistrate - 1st P^r who was brot. before
him on an accusation of sheeps stealing, his examⁿ was
taken by W. Thompson without any threats or promises
being used to induce him to make the acknowledgment
therein cont^d - His Examⁿ was read -

Verdict - Guilty. -

Henderson
v
Dumoulin} On rule to show cause why a new Com. Rog.
S.P. not be granted -

Verria in Defend^t - Not proved that any diligence
was done on the Com. - The fact of the loss of the
Com. not established - - not stated how it was lost -

Rule absolute -

Saturday 15th March 1817. -

The King
v
Etienne Barile

} On trial of Indictment for Burglary

Augustin Barile of River du Loup - W^o P^r for about
15 days before Christmas - On 7th Jan^y last P^r came into the
house & remained all night - when they went to bed & shut
the door with a latch & bar - cannot speak positively as
to barring the door - the W^o got up a little before day &
on going to open the door to go out, he found it already
open - that is the bar a piece of wood of - was put over the
latch was taken out, and the ^{pr} gone off - the W^o then
exam^d and found that his ^{a pair of shoes} ax and a fusil were amissing
Made search for the Indian but did not find him - was
afterwards informed by one Michel Louis that he had caused
the P^r to be arrested, and that a fusil & ax had been
found

found in his possession, values the fusil at 20/- the
axe at 7/- and the shoes at 2/- Knows articles now
produced to be his property -

Michel Louis. Albenake Indian - says, he ten^d P^r that he found
the axe and fusil in the poss. of the P^r at the house of
our Marainn Baron in Three Rivers about 10th Jan^y
last - K^d last W^d & was at his house last fall - when he
saw the fusil wth the P^r he told him it was the property of
the last W^d - That when P^r was arrested the said fusil
& other articles in his possⁿ were carried along wth him -

Richard Johnson - About the begin^g of Jan^y last our Jos.
Page bro^{ught} the P^r to Gaol wth the fusil, axe & shoes now
produced of - have been in the poss. of the W^d ever since.

Joseph Page. That on the 9th Jan^y last he went wth the
Constable to arrest him in arrests the P^r of - they did at
the Chenaux and found in his poss. the fusil, the
axe & shoes now produced, of - they deliv^{ed} to the last W^d
at the Gaol -

Verdict - Not Guilty of Burglary
But Guilty of Petty Larceny -

The King }
James Guggin }

On trial of Indictment for feloniously & maliciously
killing an ox - St. G. Geo. 1. c. 22 -

James Walker lives in the district of Mayne in
the United States of America - In November last he
was driving into this Province a number of Cattle to
bring to market, one Isaac Kilborn & others were with
him - That about 9 miles on this side of Drummond
ville they came to the house of one Abigail Payson where
~~at~~ the night about the beginning of November last,
where they found the Ox living in the house - That
Mr. sent Kilborn on before to make arrangements for the
Cattle that evening & the W^r remained to drive on the
Cattle - w^{ch} consisted of nearly a hundred head -
When W^r came up to the house he saw Kilborne & the P^r -
when P^r pointed out the ^{lower} pasture where the Cattle were
to be put, & into which the Cattle were driven by W^r together
wth Kilborne & P^r - That they then went into the house &
got supper & remained about an hour, - they then went
in search of 2 horses w^{ch} had strayed from among the drove
of Cattle in the course of the day, and in return they found
a Cow & heifer belonging to his drove w^{ch} were straying
and w^{ch} induced W^r to believe that some persons were
driving away their Cattle - before putting the Cattle

into

into the lower pasture the W^o observed it was poor pasture
when P^r observed it was good - The W^o did not go to
bed, suspects some of his cattle might be stolen & as he
had heard that the house had not a good name - That
W^o then called up his people to assemble the Cattle
and to drive them into the upper pasture where they
could be better seen & more easily watched - They drove
up what they found in the lower fields and a part of
them had already cut^d the upper field, when the P^r came
out and using ~~some~~ rather violent expressions^d the
Cattle sh^d not go into that field - that there were
~~grass to cut~~ and some apple trees in the field of P^r said
the Cattle w^d injure, the W^o ans^d that they w^d watch
the cattle & keep them from doing any injury, if any
was done they w^d pay for it - the field might be between
5 & 10 acres - and the Cattle belong^d to the house were
in that field - The P^r s^d that if the W^o put the
Cattle in the upper field he w^d shoot them - part of
them were then in that field - the P^r went into the
house & returned wth a musket, went into the field
and going close up to an ox fired at him, when the
ox ran to some distance & fell, and soon after died;
he appeared to have been shot by two balls w^{ch} of the
musket was loaded - That the P^r might have driven
the cattle again out of the field, as no person was

disposed

disposed to resist him doing so - It appeared to Mr
that P^r acted wth malice a^gt. Mr and not as the ox g^t was
killed - That after killing the ox, all the Cattle went
into the field and remained there all night without any oppoⁿ
on the part of the P^r - The ox was the property of Mr
and values him at 20 dollars -

x.

Cannot say whether any arrangement was proposed by
Mr to P^r or not - That when the Mr was put^t the
cattle into the upper field, the Mr heard the P^r call to
Mr Whyte to come out and fetch the ox wth her - this was
before P^r went for the Gun -

Isaac Thillorne - lives in Waterford in United States - He last W^c
drove in cattle wth him to this Province when - Arrived at Mr
Whyte on 1 Nov. last about dusk of the evening, asked to put up
the Cattle - agreed to put them in the lower field, when the cattle
came up they were put in that field - the party supper^d -
after g^t some of party went to look for some horses g^t were
strayed - Mr rem^d to take charge of the things - he went to bed -
the people came back, & then was a noise of the Cattle being
stolen - Mr got up, and seeing some of cattle had strayed
they all agreed it was best to drive them all into the upper
field into a place where there had been worn a apart from the
apple trees - they were driving in the Cattle when P^r called
out to Mr Whyte, Do you allow the cattle to go into this field
she says? she did not and told P^r to go for his Gun - the
P^r

P^r then went into the house and w^d a gun passed by the W^r & the other persons, went into the field & fired, and as W^r understood, killed an ox - the P^r then went back to the house as he ^{had} to load his gun again - that after this all the Cattle moved on into this field without any resistance on the part of P^r or any other person whom they watched all night by W^r & some others of his party - The P^r might have driven the cattle back out of the pasture had he attempted it - The cattle were commonly driven 20 miles a day & never dispersed so much as they did that night -

That it was the ^{intention} of W^r this party to secure their cattle, & they thought it the best way to drive them into the Upper field -

John Brook Woodbridge, lives in Massachusetts State in District of Maym^r - accompanied last W^r in business in a drove of Cattle drove w^t them when they stop at house of Mr White - after supper found some of Cattle had strayed - it was proposed to put them into the Upper field - when he saw some of the Cattle had already got in - the P^r objected to this - called out to Mr White who came immediately w^t an ox, he then asked her if she consented to the cattle going into the Upper field, he ^{did} she did not state P^r to go & get his gun - he went into house bro^t out his gun when Mr White told P^r to shoot the Cattle & the men too - the P^r went into the field raised his gun to his shoulder & fired - the W^r saw an ox start

and run off a few rods and then fell - when he died soon
after. -

Defence -

William Lloyd. That last fall the day after the cattle arrived
he was at the house of Mrs White - P^r requested of W^r to stay
a little as there might be some disturbance - the Cattle were
then in the Orchard - & two men who seemed to be watching
them - It said Mrs W. & P^r advised men take cattle out of
that field - understood that Walker say, that the damage
the cattle had done sh^d go in part pay^t. after exp - & if the
balance was p^d. then w^d be no more about it - the parties
were then drinking together - Has heard Mrs White & P^r say
that P^r had let her the farm for a year on half - He purchased
part of the beef of the exp from the servant of Walker & p^d
him for it -

x

Then was a bill made out by Mrs White & Gussins for
what the drivers of the cattle had got at the house & for the
damage of the cattle, q^t. amounts about 18 or 19 dollars
they p^d. On 7 dollars but refused to give any more -

Abigail Payne white - has ten. the P^r there 12 years, - was at
her home in beg. of Nov. last - has agreed w^t. P^r verbally
that he shall have her farm on half for one year - when
app^r. was made to her to let the cattle be driven into her orchard
q^t. she refused - there was a fence about this orch^d - which
was

was at that time in good order - she had carrots turneps
peas as well as stalks of Corn in that orchard - the
persons were ordered not to turn their cattle into that
orch^d - After she went to bed she was informed by P^r
that these persons were turning the Cattle into the orch^d -
she got up and again forbid them to do it - They swore
they w^d she saw Kelborn begin to take down the
rails and Walker & Woodbridge to assist them - and
she & Guggins put them up as fast as they took them
down - they then called three other men to assist, in
taking down the rails - The P^r and he did every thing
in their power to prevent the Cattle going in, but
were unable to do it - That she was knock'd down
by Kelborn, struck by a loaded whip ^{by an ox} by him and
very much bruised - she had carried out the ox to
endeavour to wedge up her fence - She went off ^{same night} to seek
for redress for the injuries she had suffered - she was
followed by two of the party who proposed a settlement
wth her - That next day there was a proposal with
Guggins to settle the business & it was that the bill for
what these persons had rec^d should go in satisfaction
of the ox - upon this they all drank together & seemed
to be good friends - She saw P^r receive some money
from Walker on acc^t of the bill -

Does not keep a public entertainment - does not sell any liquor in her house - never s^d. she was ever married to P^r - she is a widow - Did not give them any rum - nor receive any thing what was drank in the house -

Rich^d Johnson - Gaoler - W^r P^r since she has been in Gaol last fall - he has during all that time conducted himself very well and has ever given information of some persons who were break^s Gaol & of their arrangements to effect their escape - Some of P^rs were in irons, the P^r was not, and might have escaped had he thro^t. pit^{er} - it was by the timely inform^t of the P^r that the others were prevented from escaping - That P^r told W^r. it was at the risk of his life he gave that information -

The Evidence being closed, the Ch. Just. charged the Jury on the case and stated, that if they should find that the P^r was actuated by malice as of the proprietor of the ox, and in revenge ~~that~~ killed the ox the P^r was guilty - if on the contrary it app^r that it was in defence of his property

and

and in order to prevent the ox from going on his
land, the p^r was not guilty - that Jury must
apply the facts proved to this distinction of fact
accordingly -

Upon this charge being given Mr. Just. Bedard
begged leave to deliver his opinion as being somewhat
different from that deliv^d to the Jury by the Ch. Just.
as he thot that there must be a secret & concealed
malice & design ag^t the prop^r of the ox to injure &
improveish him - to consider the P^r guilty - but
when he was defending his property as the P^r app^d
to have been, he ought to be acquitted -

The other Judges then gave their opinions in
support of what had been deliv^d by the Ch. Just.
and commenting on the irregular mode of a
Judge dissenting from the Court, offering his
opinion to guide or controul the Judgment of the
Jury contrary to that legally offered by the
Court -

The King
Pr^o Loirain,
alias Pr^o Tetreau

On Indictment for Horse-stealing

The Pr^o had been convicted at the Court of
H. B. hold here in March last & pardoned
on condition of departing the province - & having
never again found in the province was arrested
and confined in Gaol - The att^r Gen^l obt^d
a rule nisi on the Pr^o to show Cause this day why
Execution should not be awarded as him in conformity
to the Judgment rendered on the said conviction
and the said Pr^o having heard the record of the
conviction read to him, and being asked what he
has to say - he states, that he is not the person
named in the record of the said Conviction -
whereupon a Jury having been immediately
impannelled, and having been sworn - Well
and truly to try, whether the prisoner at the
bar, be the same Pierre Loirain alias Pierre
Tetreau named in the said Record & Conviction
and against whom Judgment was pronounced
whereupon a Jury having been impannelled
the following testimony was adduced -

Rich^d

See 4. Bl. appⁿ
v - King &
Prison^r
=
Fortis Crown
Law. p. 40 -
No p^{er}empt^o 7. Ch.

The Record of Conviction of the P^r was read to
the Jury -

Richard Johnson - Is Gaoler of this District - W. the
P^r since the month of March last & some months
prior thereto - he was confined in the said Gaol
was tried in this Court for horse stealing, was
present when he was tried, and the P^r now at
the bar is the same man - The P^r was convicted
and condemned to be hanged - The W. carried
him to Quebec to be transported in consequence of
a Pardon, but the frigate having left Quebec, he
returned with the P^r - He has within a few
days been bro^t. back into the Gaol from the
Gaol of Montreal under a writ of Hab. Corpus -

and the Jury being charged by the Court
without retiring from the bar said that they
found the P^r to be the same man -

The King
Abigail Payne
White

On trial of Indictment for an
assault with intent to commit murder

Isaac Stillburne - was at house of P^r about
9 miles on this side of Drummond with - on the 3^d Nov^r
last

last she made an assault on him & made a blow at him with an axe which he warded off wth his arm so as to turn it aside in a great measure and to make it fall slanting on his breast - The land had no words with the P^r nor did he give her any provocation - The blow was heavy & might have killed the W^r had he not warded it off - he twitch'd the axe out of her hands - the P^r then fell down - she complained that her shoulder had been cut, but she shew'd no mark nor did any blood appear -

That next morn^g in talking of this matter the P^r said she had done her best to take the life of the W^r and was sorry she had not succeed'd - that Walker was then present -

x^o.

At the time the blow was given the W^r was not driving any cattle into the pits of the P^r - The W^r ret^d to the house after this assault - & staid all night.

James Walker - W^r P^r was at her house on the 1st Nov^r last was present when she made a blow at last W^r with the edge of an axe strong enough to have killed him if he had not warded off the blow - she app^r very angry, does not recollect the words
She

she used - Kelburn at the time was about - moving
past the P^r in order to go into the field, being at
the moment the gun was fired off which killed the
ox - That Guffins who killed the ox was distant
about 20 or 30 feet and could not have seen
what passed between P^r and Kelburn - That
Woodbridge was near Kelburn at the time - That
the next morn^g. the W^r heard the P^r say, that she
was sorry that she had not killed Mr Kelburn
but that she had done her best towards it - That
he staid all that night at the house of P^r - he got
liquor from her and paid her for it -

John B. Woodbridge was at home of P^r on 1 Nov last
at a fence when some cattle had been driven into
the field - saw P^r strike at Kelburn with an ax
wh. he wards off and twitch'd the ax from her
when she fell down - the blow app^d to have been
given with ^{at. might have kill'd him} force - Next day heard her say she
was sorry she had not killed Kelburn - He
had liquor from P^r and paid her for it -

Defense -

William Lloyd was at home of P^r last fall all the day
after

after an ox had been killed - heard the P.^r say that she had been struck at by Kelborn with an ax when he replied damn you, I wish I had struck your head off - Walker & Woodbridge were present at time

James

Guggins - W.^r P.^r was at her house the night the ox in question was shot - was in the field about 2 or 3 rods from where P.^r was - heard her cry out murder, went up & saw Kelburne holding the P.^r down - saw also Walker & Woodbridge then - Kelborn was taking the ax from the P.^r and having wrenched it from her he struck at her w.th it and wounded her in the shoulder - the P.^r cried out she was wounded - got up went into the house when the W.^r saw the wound
The next morn^g heard the P.^r charge Kelborn w.th having struck her w.th the ax - Kelb.^r admitted he had and added, that he was sorry he had not cut her head off. -

Monday 17th March 1817.

The King }
Peter Gardner }
Jos. Gannon }
+ }
Pr - Garcean }

On trial of Indictments for breaks
Gaol -

The Prisoners were severally indicted
for the above offence, but joined in
their trial before the same Jury -

Lo. Gegg - Sheriff of the District of Three Rivers
He that the Depts were prisoners confined in the
Gaol of^d District by sentence of last Justs
Term - Gardner for Petty Larceny - Gannon
for an assault with intent to murder & Garcean
for stealing in a dwelling house, & was sentenced
each to six months imprison^t - The Pr^s broke Gaol
on the first of Nov. last by one of the bars in the
window being sawed through & the other bars found
The Pr^s made their escape and were afterwards
taken and brot back to Gaol -

+ Produced the
Calendar of Justs
under which
the Pr^s were
confined.

Rich^d Johnson - Is Gaoler of the District - He the Pr^s
who have been in his Custody - on the 1st Nov
last

last- the P.^m escaped from Jail by breaks
through a window, sawing one of the iron
bars and forcing the others- The W.^m found
~~an~~ file in the room when the P.^m had been
Thinks that Gauson was in irons at the
time -

x^d

That the P.^c Gardner is sometimes silly
and falls into fits -

The P.^c called no wit^h but objected that
the evidence was not sufficient, as the best
evidence was not brot^h - forward of^t ought to have
done of the conviction and sentence of the P.^m
by a regular record thereof made up in form

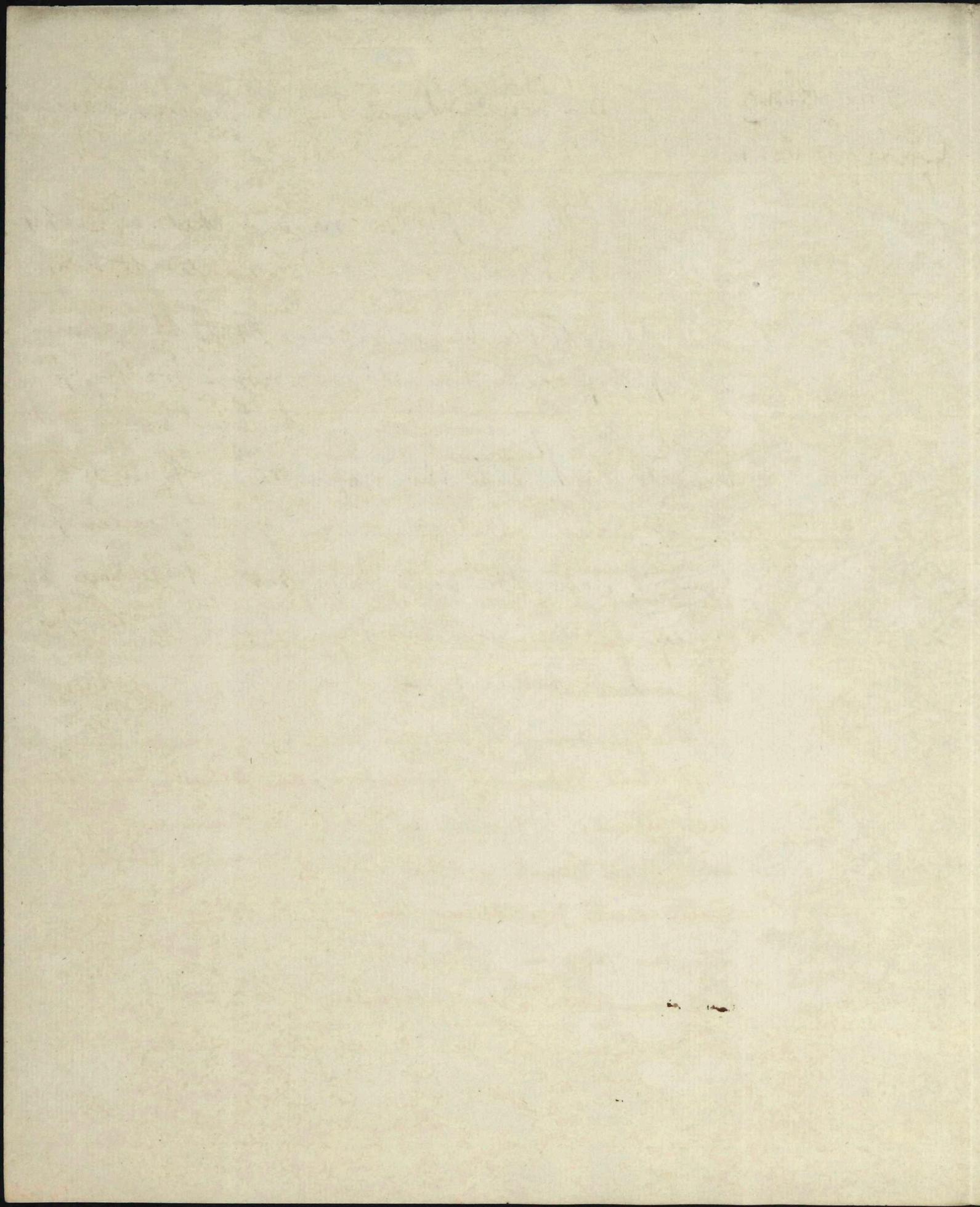
The Ch. Just. & W. Reid were opinion that
the evidence was sufficient & ought to go to the
Jury - Mr Just. Bowen & Bedard were of
a different opinion. -

The King
George Fennel

on Indictment for Grand Larceny
The Grand Jury returned no bill

The Defend^t moved that a Copy
of the Indictment should be granted to him

The Court considered that the granting
a copy of Indictment was not a matter of
right, but of discretion in the Court, and took
time to look into the depositions, from which
it appearing that there was just ground for
having laid the said Indictment before the
Grand Jury, and therefore refused the Copy
of the Indictment —



Tuesday 18th March 1817.

N. 300
Sheppard }
Burns } on Plff's mo. to reject plea as filed too
late - on art 2. Sec. 17. -

Verina for Deft - Deft. & Pris^r - & rules ought to
be extended in regard of him -

Open on same side - Plea filed 2 hours late
but ought to have had all day yesterday - practice
in England ought to be taken in toto -

Connaughton - contended that by rules of practice
the Deft. is too late in filing his plea - Plff has filed an
out of foreclosure - rules of practice of this court
is positive -

Judges Bowen & Beard were of opinion that no
Plff had taken no proceeding at. Deft. by having
been allowed to proceed ex parte at. him under an
order of the Court - that Deft. is never too late
until such proceeding be had at. him to come in &
file his plea - Judge Reid differed in opinion
considering all rules of practice of the Court as presumptive
and carrying with them a foreclosure at. the party in
default -

The Court were of opinion that the Def^d's
m^o. to set aside the Capias be rejected -

No. 2

Wentle }
" }
Tonarcour }

on Report of Surveyors -

Verina for Plff - The Def^d's consented to the
hom. of P. V. ~~the~~ parties were heard thereon, but
the Def^d's afterwards altered his opinion and
now demanded that Report sh^d. be set aside -

Plff now moved that Report sh^d. be homologated

Tonarcour for Def^d - The Def^d's deuced by
the allegations in the P. V. that the operation had
been made with the approbation & in the presence of the
parties, consented to the hom. - but this not the law -

The Court have ordered a re-heard the Def^d's is now
in him to show his reasons ag^t the homologⁿ -

1. Pratte & Sax have not complied wth the Def^d's - have not
followed line established by Collins, but have cut off ^{fallen}
within it & cut off 600 acres from Def^d's - a ^{Deschambault} ^{of}
13 acres is cut off from Def^d's & given to Plff -

Verina in reply - the P. V. of Surveyors has been
made in conformity to the Def^d's and has complied
with it by giving to Def^d's all he is entitled to -

Wednesday 19th March 1817

Thursday 20th March 1817

N^o 321.

Goodhue
Lawrence }

The 2nd spirit? after - accepted by
OUP - for delivery of spirits. —

Friday 21st March

Orunt

Mr. J. Reid & Bedard

Goodhue
Lawrence }

Just. on confession

Saturday 22nd March 1817

Whitney
Goodhue }

Just. — on confession —

318
Jones
Hollister }

action on Deed of Sale -
Plff asked for Deed
Dypt. said nothing -

~~375~~
375
Dumoulin
Groux. }

on action for breach of Contract
to the goods sold & delivered
Lafresnaye for Dypt. on Exception
Plff cannot join 2 different demands
same action cites 1 Dig. au. p. 37. in fine -
Verine for Plff - The Excp. is peremptive &
not à la forme - there not two demands joined in
the action - the conclusion is only for damages -

Monday 24th - March 1817.

Murder
Tonnancour }

Intertourary. -

Dumoulin
Giroux }

Exceptions dismissed. -

Leblanc
Coffin }

on Report of Surveyors -
action en licitation. -

Report not
made - Expect
to be sworn

Tonnancour for Dept - The action founded on
the indivisibility of land - This denied & Surveyors named
to ascertain fact - Report that division can be made
& state the division - The Plffs action ought -
therefore to be dismissed -

Verena for Plff - The division proposed is
injurious to the rights of the parties & such as cannot
be granted - Poth. Vente. N^o 515 - partage sans
être de préférence - ~~action~~ part de division commodement.

The division ought to be made so that it may be cultivated with convenience - 2 Bouy: p. 524. 25
a man or cloture made to effect the separation not considered sufficient to warrant the division -
The Surveyor does not make an equal division of the lots - has not followed the opinion of the Court by its Intents - 2 Arag: p. 248 -

The report made is that of an arpenteur, not of an Expert - no authority as arpenteur - ~~the~~ as Expert has not been sworn - 2 Bouy. 30 -

The report made ex parte - without presence of the parties, a notice to them -

Journarcon in reply - The lots as divided contain as much & even more than the ordinary quantity of lands conceded in this Country -

The Surveyor may still be sworn -

N^o 362
Lacarrière }
Rousseau }

Debt an Obligation -

Verina vs Debt - action founded on a Delegation from Mad^r Gouin to Pliff - It is sans cause - having been made to Pliff as Procureur

Procureur - but Puff does not show he was entitled
to the delegation - no consideration given for it -
it was only an authority to receive in the name
of made Gouin - as Proc -

Tonnancour for Puff - The undertaking
of Deft. was personal to Puff to pay the money
demanded - It was a Novation of the Debt

Reserve a faire
deant par qui a ce
que les parties soient
intéressés sur les monts

Oct. 546 -

Nexina - It is not Novation, but - a delegation
under of Puff claims -

No 383
Berthelot
Plourde
Pal -

action for recovery of fees as atty

Nexina for Deft - action is irregular
not said that they had a joint interest
in the suits of - he was retained by Deft. - The
causes in of - he was employed not set forth -
divers obligations - divers causes - not sufficiently
certain -

Expenses dismissed

Tonnancour for Puff - The Debt sufficient -

N^o 394

Estataban let out

Ex. Hart {

Action in bonafid —

Tonnancou fu Defd^s or Excep^s?

1. Plff^s do not state themselves ^{joint} proprietors, nor possessors
by usufruit of the lands in question — It is necessary
to support the action ^{in their joint name} — 2. They do not claim under
the title of^t was given to them — & in the capacity in
wh^{ch} the grant was made — They do not act on behalf
of the Mission — or that they are the sole representatives
of that Mission — 1. Pigeon ^{p. 51.} or in part stipulate from
an action — The property not sufficiently set
out — Declaration not libell^e accords to ord^r 1667 —
not stated when the Defd^s property joins that
of Plff^s — The Decl^r does not state that Defd^s
possess the property separate from that of Plff^s —

Verina fu Plff^s The Defd^s ought to have
shown there were others as well as Plff^s who were
not joined in the action — The Decl^r alleges
sufficient matter to show Defd^s is the neighbour of
Plff^s & that they are the representatives of the
original Grantees. — The facts stated can be
ascertained on proof on the merits —

Order for Defend. in reply - Plff. do not
say they are ~~proprietors~~, a usurpation of the
Estate in question & cannot maintain action -

No 392

Normanville
+
Garcia }
}

action of Debt on Deed of Sale -
Order for Defend. on Recd. - Plff.

To amend on quality & title not sufficiently set forth - nor
pay^t of Mort^s that Def^s title sufficiently set out -

Verina for Plff. - Debit - sufficient

Debit

No 401

Paccard
+
Billette }
}

action on to receive give certain
security or to pay money on Contract

Order for Def^s not alleged that Def^s
was just indemneur -
Exp^s Dimin^d

Verina for Plff. - suit demeur not necessary,
the action is a protet - & Def^s cannot complain
when he has allowed delay to pass -

De Champlain
Coffin. —

De Champlain

Action for arrears of Interest on principal
of Debt of Sale —
Tonnage for Debt — The Debt. ought not
to be sued alone, as one Leblanc was joined & bound
with Defendant — & parties not bound solid airment.
They are bound jointly — The Plaintiff has made
over to Mr Leblanc all the arrears ^{whenever due} ~~due~~ by Defendant —
in q^t he acknowledges to have received all arrears
up to that time of ~~Debt~~ ^{owed} from Leblanc —
Therefore Plaintiff cannot ask Defendant for what his
co-obligé has p^d for him — By Judgment of
this Court of Sept. 1816 the Defendant was condemned
to pay this same sum to Leblanc —
Poth. obk. N. 606. 607. Confusion in the person
of Leblanc —

Verdict for Plaintiff. The Capital to be p^d in equal
portions by the purchasers to the minor when of
age — the interest to be paid in the mean time to the Plaintiff
on Tutu upon the respective capitals — and the
presumption does not arise that Defendant & Leblanc were
jointly bound to pay interest on the entire Capital.

The

The Ind^t rendered at Dep^t. is only for what
he owed in his own right - & not for what Leblanc
had pd for him to Plff -

Tonnancour in reply - Plff. makes no answer
to the allegation of Dep^t. that Plff. were satisfied
for the ^{whole sum of £82} ~~sum demanded~~ - & not entitled to ask the
half-pit from the Dep^t who if he owes that
half, cannot be to the Plff. but to Leblanc

N^o 416
Lord -
in
Chamberlain }
Sal -

The Exceptions Dismissed

N^o 359
Badger
Richardson }

Action on promissory Note -
Order for Dep^t - The note conditional
not stated that Dep^t. has failed in paying
in cattle - Waiver insufficient -

Except. Dismissed

Tonnancour - Note payable in Cash -

No 415

Baby
Leclerc

} action pour droits honorifiques dans
l'Eglise — as Co-sigⁿ

Verina — In P^lff. Sup^t. contends that only one
Suzigneur is entitled to these honors, the Sieg^r. Haut
Justice & not every Co-sigⁿ

1603
Tonnancour — The Cur^e in this Province, are
obliged to know only one Sieg^r, namely he upon
whose Estate the Church is built. The P^lff does
not allege this & therefore his action ought to fail
Repl^{mt} de 8 Juillet 1709 — That the P^lff
as Coproprietair in 1/16 does not entitle him to
the honors he asks for — That P^lff cannot claim
as eldest son of M^r Baby — because his father ~~was~~^{is}
himself only a Co-sigⁿ — Denst. Doct^r. Hou.
No. 6. 14. 28. & 30 — Ed. Eau Benite — No. 13 —

Verina for P^lff — P^lff states himself to be one of the
Co-suzigneurs Haut-Justiciers of the parish, & is entitled to
his demand — P^lff is the only one of the Co-sieg^r. who
lives in the parish & who is in possession of the ban
in the Church — That the Repl^{mt} refers only to
the Case of a sub-division of the Suzignery, but not
to the Case of Co-sieg^r. who all together represent &
hold the right — the P^lff is the son of such a Sieg^r —

alho'

altho' the father is alive, yet the Pleff holds
 by Donation certain share in that same Serym,
 not by cession of those rights, but by cession of
 the property to q^t, the right is attached — The
 Pleff is in the possession of those rights by holding
 the bare in the Church to q^t. Those rights belong —
 Argou. Droits Hon. — 2 Bourj. 160. & 161. art. 11 —
 Rep^r v^e Droits Hon. p. 453. Sec. 11 —

Voy. Nouv. Deniz^t
 v^e Droits Hon.
 § 5. — & 96. N^o 1.
 Dict. de la Maillane
 v^e Banc d' Eglise.
 Recueil de Jurispⁿ Canon^{iq}
 par Lacombe, v^e Droits
 Honorifiques.
 Hericourt. Lois Eccles.
 G. 10. N^o 8.

Thursday 25th March 1817
 This being the Fete d'annonciation
 there was no Court held —

Wednesday 26th March 1817

Leblanc	}	Report set aside — as the Expert had not been sworn —
Coffin —		
Laterrière	}	Exceptions dismissed —
Rousseau		

Lessee of
Meadow Johnston

on Puff. mo. to reject plea filed as not
conformable to the Intents of Court

Appeal for Dep^t - The Plea is conformable to
the Intents -

N^o 396.
Deveaux
Fraser

Action on Deed of Sale -
Insd. Demand of plea of compensation -

Commencement for Puff - No compensation can be
admitted in this case, being a demand for damages set
up as a liquidated demand - Polk. Obl. 592

N^o 380

Indians Becanwar
Jr. Main Rochelan
dal -

Action en Voye de fait - Complainte -

Commencement for Dep^t. The Puff not qualified
to bring the action - ~~altho~~ Dep^t have committed
only a voye de fait, & have not taken poss. of the
land -

Verdict - for Puff - proof suff^t -

Bullhatit
Ploucheval

Exemption dismissed —

Indreux
Hart

Action dismissed — Delay^{ts} insufficient

Paccard
Bellitite

Exemption dismissed

Badger
Richardson

De _____ du

Baby
Lecler

Partes admitted to make proof

Thursday 27th March 1817. —

De Champlain
dup. ^m
vs. Coffin }

Just. of Law resumed until the parties
should be heard upon the merits —

Friday 28th March 1817

Short
vs. Rochelau }
Oppos^L }

Tonnancour vs Mathons. Opp^t
That under a certain deed of sale from
one Pereira he acq^d. a lot of ground
comprehended in large quantity — Pereira made a
donation of the whole land to Short, comprehending
the lot so sold to opp^t — The land was afterwards
sold by Decret at the instance of Pliff — The opp^t
now claims by opp^m to be reimbursed the money he
p^d to Pereira for the s^d lot — by art 354. Cout. the
claim is founded. Dec. v^o Oppos^m. N^o 23 — Pothier
Vente N^o 69.

Verdict for Pliff & Creditors — The Deed of Sale
was made as a reward of services not for money

the money purports to be paid two years after sale
by Opp^t. to Pereira - after Pereira had disposed of
the land to Puff - It appears to be a collusion between
them - The oppos^t did not choose to claim the lot of
land, but allows it to be sold & now claims a pretended
sum of money as the value of it. -

No. 407.
Crosby
Cochrain

On Exceptions à la forme -

Vexnia fu Puff - The ex^{op.} pleaded
is to the action, and not to the form -

No. 275 -
Lemire
Lupien

action fu recovery of damages in cutting
down wood in a Sucerie belonging to Puff.

Vexnia fu Puff contends that proof is made out
& conclusion, ought to be granted -

Toumanou fu Dep^t - said he had nothing to
allege -

N. 131

Dubard }
Brissette }
Baraille }
pp

over till to morrow

N. 347.

De Champlain

Coffin }
—

action au deed of sale -
Hears on merits -

Verria for Puff - The Defd. bound to pay
a separate Capital, and of course the intent must
be understood to follow upon that Capital - This
sufficiently exp. l. by Just. of Sept. 1816 -

Tonnancour for Defd. The Defd. bound jointly
with Leblanc, sought to have been sued jointly
with him - That Puff. have been paid for
the sum they demanded in consequence of the Transport
made by them to Leblanc -

N. 339.

Delisle sup }
Rousseau. }

an action for Indeb. ass. on special
contract -

Ogden for Puff - the acknowledg. by the
late

late Mr Gorin, to pay to Plff £57 - after his death - Evidence shows services done by Plff to Defd^t for wh^{ch} this acknowledgment was made Verria for Defd^t - The Plff has not shown she acted as a servant to Mr Gorin - The acknowledgment made by Gorin is not accepted, it is a Donation to Plff for services done - The Testament of Gorin has set aside this act of benevolence which was to have effect only after his death - That at all events the Defd^t cannot be condemned to pay the whole demand as she is not the sole representative of the late Mr Gorin, she only holding a certain portion of his Estate by his Testament -

N^o 334

Henderson
Dumoulin

Action for Goods sold & Delivered

Tonnancour for Plff. - The Com. Rog. sued out by Defd^t ought to be held to be without effect, as it appears that at the time & long before the Plff was not in the Province - The return of Com. too late.
Denort. v^o Fuits part. N^o 2

action for goods sold & delivered - The
proof sufficient & Plff entitled to Judgment
Verdict for Defd. - The Defd. has sued out a
Comm. Rog. to ex. Plff. on facts sent. Deliberation
has been done by Defd. thereon. Hence the facts
sent ought to be declared confessio facti, and
altho' Plff appears to be absent in England yet
the Plff should not have allowed the Comm. to be
sued out - but having allowed it to be sued
out the Defd. ought to be allowed the benefit of
it - as the Plff must ask for a delay to
answer -

N. 388

Genette
Genette }
Genette }

action to rescind a deed of Donation
for cause of ingratitude -

Order for Plff - says Judgment on proof above.
Lafresnaye for Defd. Poth. Dou. p. 170 -
Cause proved not sufficient -

Berthelot
 Plouder }
 m

action for recovery of fees -

Verina for Def^d - The Plff. as an
 attorney must bring his action ~~within~~ ^{within} 2 years
 2. Bouy. 580. - Poth. Proc. Civ. 1^o. Obl.
 N. 672. in fine -

Tonnancour for Plff by Edit of 1663. 1 vol. Edit
 21. - gives the laws of this country - the prescription
 now set up not then known in France - Poth.
 Mand. N. 138 - Reprint 28 Mars 1692 - which
~~does~~ not therefore apply to this country -

Verina for Def^d - refers to order of Chev. 7-1446
 by wh. this prescripⁿ was established in France -

Normanville
 Garceau. }
 m

The Plff allowed to amend his
 Declaration on paying 30^s costs -

Doveau
 Fraser }
 t

The Demande in compensation set
 up by Defend^e dismissed -

Alarie
Sills. — } action en separation —

Verdict for Plff. — States that the Defend^t's plea is a sufficient ground to warrant the conclusion of his declaration — The facts proved show the bad conduct of Defend^t. and his ill-treatment of Plff. — accusing her of incontinency with other men

Tonnancour for Defend^t. — The condition of the parties must be considered — the injures here proved are merely verbal, and among people of the grade of the parties such injures are not sufficient cause of separation — The object of the demand is to obtain the half of the Defend^t's property —

Saturday 29th March 1814. —

353

Moses Hart }
De Champlain }

On Plff's mov. to reject the moyses d'opposⁿ
as irregularly filed - being an iniscription in
fact

Pausan }
Bellote }

On mo. for hearing -

Delanauwin }
Boivent - }

On Defend's mov. to obtain a Com. Rog.
to ex. Plff on her ~~deposition~~ deposition -

The Plff objects to the mov. as no diligence done
on the order of the Court for the ex. of the Plff. -

N. 398. -

Warwick. }
Bostwick }

Action for goods sold & delivered - - -

Tonnanceon for Plff. Evidence produced supports
Case - In proof that Defend. asked for 18 months delay to
pay - No delivery proved - not necessary, as the acknowledgment
of Defend. supplies that proof

Ogden for Defd. - Plea. non-assump. - no proof of sale or delivery
the acknowledgment of Defd. is not for any specific

Diem

The Invoice was never shown to Def^d & no promise
to pay without ascertaining the specific sum cannot
be received -

DeLaundiere
Boivent. — }

Action for Rent on lease of a ferry or
passage over River St. Anne's. —

Order for Plff. — The Def^d. alleges trouble
in his enjoyment of the ferry — not suff^r. Poth.
Louage - No 81 he shows trouble but not
that any person had a right. —

Verdict — The Sup^r. rented to Def^d. the exclusive
right of ferrying over the river & warranty in
the possession of it — The neighbours ferried
over one half of the passengers for nothing &
thereby Def^d. was interrupted in the enjoyment
of the ferry — On 12 July 1814 the Def^d.
summoned the Plff. to cause this interruption to
cease otherwise he would not pay the rent — the
Plff.^s answered that they would allow such
damages as Def^d. could prove & would prosecute
those

those who had caused such interruption —
refers to the authority cited from Pothier loc. cit.
to show that lessor is sans de trouble made to the
lessee in the enjoyment of the thing leased —
Ogden for Puff no Inst. were read, or quoted —

N. 131

Dubois
Brissette
Baraillepp^t

On opposition a fin de conserver
for price of ~~a piece of land~~ ^{the} deficiency
of one acre of Land on a sale by Def^t
to Opp^t —

Vozinee for Opp^t — refers to quantity wants
as more than laid down to be comprehended under
the word environ, as stated by Poth. cont. Vente
The opp^t. wants an acre by the whole depth, as
ascertained by the operation sp. v. of a surveyor in
the presence of witnesses —

Tonnancœur — The opp^t. has enjoyed the lot
of land 9 years without complaint — The opp^t
at all events ought to have only the proportion of
the price on the whole land — The lot of land
is described more by fixed limits than by any
certain

certain quantity -

Lesieur.
Wills. }

Action en bornage -
On Report of Surveyors

Verena for Puff - the operation of Leclerc in 1765 marks the division between the lands of the parties by a line then - The point of departure is in dispute, it lies at y acres from the line of Mr Grey, & the surveyor ought to have started from Mr Grey's line as an admitted boundary between the parties, but not having done so the line between the parties as laid down by Leclerc has not been found - The Surveyors have not operated according to rule -

Order for Deft - The Survey has granted to the Puff more than his title - the Surveyors have taken the necessary means to ensure the exactness of their operation, & have reported accordingly -

Verena in reply - the parties will be entitled to proof upon the merits to show the error in the operation of the Surveyors in regard of the verification of Leclerc's line

No 370

Gouin
&
Ledue }
x

Action for goods sold & acct. settled -
Verina for Plff, contends that proof has
been made to support the action -

Tonnancour for Def^t - The parties were in
partnership - g^t was dissolved - the Def^t p^d. monies to
Plff - & Plff has besides rec^d. monies on acct from others
£105. - Objects to the evidence on the notes, as one of
the wt is in the service of the Plff. -

Ver. The Receipts monies p^d. were prior to the debt
contracted for g^t - the action is bad -

No 346.

Heneault
&
Boisseth }

Action for goods sold.
Order for Def^t. submits the Case

De La Ferriere
&
Poisseau }

Action on Transport on Deed of Sale
Def^t - submits point -
Receipt of £80 admitted on Demand.

x

Berthelot
Plouderab }

Plea of prescription dismissed, the Defend^t
having by the plea invoked the prescription of
5, 4, & 3 years as the demand - none of which
apply, the law in this respect being either a prescription
of 6 or of 2 years, & as the Court considered that they
ought not by inducement to imply that the prescription
of 2 years was comprehended in that pleaded, or to
supply what was not specifically alleged - they
dismissed the Exception. -

Genette,
r
Genette. }

Action ~~discont.~~ dismissed - proof not
sufficient. -

Henderson
n
Dumoulin }

Judg^t for Puff. - Court dismissing the
Defend^t's mo.

Crosby
Coikrain }

Exception à la forme dismissed, the
Court considering it as an excep. per. en
droit temporaire. -

Lemire
Luprin }

Judg^t for £54 as damage proved

Delisle
&
Rousseau

Jury for £50 - The Jury not founded
on the acknowledgment of Defendant which

might be considered as an acte sans cause, or a
donation without acceptance - but as by the evidence
adduced it was made out that the ~~Articles~~ rendered
by the Olfers wife were of even greater value than
the sum demanded, the Court was of opinion that
the acknowledgment ought to be taken as evidence
to support the proof made out

Monday 31st March 1817. —

De La Ferriere
 ^m
Rousseau —

Judgt. for Plff —

Henaux
 ^m
Pissot —

Judgt. for Plff — Goods sold on

Gouin
 ^m
Leduc.
 ^{and}
E Contra

Judgt. for Sum demanded on principal
demand — Incidental demand dismissed
with costs —

Dubard
 ^t
Brissette
 ^t
Baraille ^{chpt}

Opposition dismissed — on this principle, that
at the time the oppos^t exchanged the lot of land
in question, he knew the limits and extent of that
he acquired, and therefore not entitled to take
advantage of an error in the Contract —

Alarie
 ^m
Sies —

Judgt. of separation —

Hart
 ^m
De Champlain

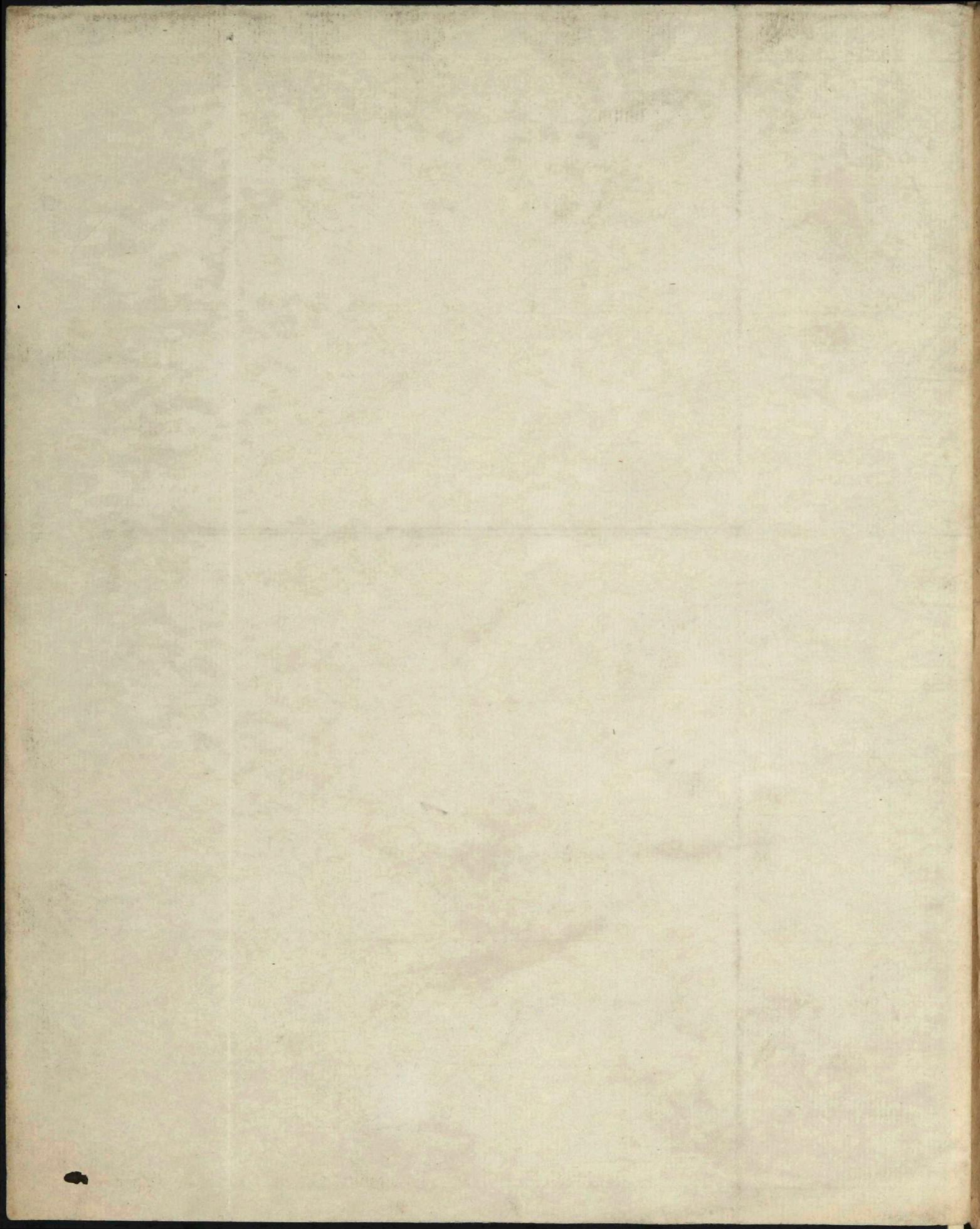
Plffs mo. dismissed —

De Champlain
Coppin — }

Indy for PWA

Indians of
Pecanow
Rochelau }

Indy



723

216

54

