

happened. He deposes that the day before the fire, Guillemette told his wife "one of us shall perish this night; one of us shall take to the woods this night." Such expressions, if used by Guillemette, are of a nature to commit himself; but, on reading the deposition of Pierre Célestin Blais, one remains uncertain whether Guillemette has so expressed himself. This last witness was thirteen years old, (four years more than his brother Philippe Blais) and present when Philippe pretends that Guillemette made use of the above expressions. He proves first the same thing as Philippe, or thereabout; but, at the end of his examination, on being cross-questioned, and when re-examined, he admits having reported the matter to Barbin, as follows:—"If things continue that way," (speaking of wasting) "we must take to the woods;" and he adds that, when he spoke to Barbin, he had a better recollection of things than when he deposes in Court, and that what he has repeated to him was what Guillemette had said. This is confirmed by Barbin, a witness heard on the defence. These latter expressions are not in any way of a nature to commit Guillemette. It was saying in other terms, "If this wasting continue we shall be thrown into the high-way," that is to say, "obliged to beg." It is clear that the two children disagree; which has the better understood it is impossible to say. Besides, their memory fails them; they themselves admit that they do not always recollect, nor do recollect so well to-day as they did about the time of the fire and inquest; moreover, according to the depositions of Barbin and Aurélie St. Cyr, they would have been schooled by their mother. I thought it proper to lay aside these two depositions, in so far at least as to what Guillemette had said to his wife. Having no confidence in the depositions of Onésime Richard, Mario Le Blanc, épouse de Prosper Beauchêne, and Philippe Blais, I have thought it my duty so to declare it in my charge to the Petit Juries, and to tell them, as I did, that I did not think the evidence sufficient to return a verdict of Guilty. If, therefore, the juries had shared my opinion, they would not have found Guillemette guilty, and he would now be at liberty.

The deposition of Narcisse Le Blanc can be of no value, except inasmuch as the depositions of Onésime Richard, Marie Le Blanc, and Philippe Blais are admitted as true, as he deposes on things happened in most part about fifteen days after the fire and the death of Guillemette's wife.

I think it therefore my duty, under the circumstances, humbly to submit to His Excellency, as my opinion, that Elzéar Guillemette ought not to suffer the pain of death.

As the judges are authorized by the Act of the Legislature of Canada 32 and 33 Vict., ch. 29, sect. 107, to adjourn the execution of a sentence of death, I request that you will be pleased to inform me of His Excellency's decision on this matter, so soon as it may be in your power to do so.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

A. POLETTE,
J.C.S.