

Society is successful, the influence of the profession must be increased.

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REMARKABLE TRIALS IN LOWER CANADA.

NO. 1. CASE OF DR. SABOURIN.

Under this heading we propose to bring together some of the most interesting and important trials that have taken place in the lower province, and, divesting them of legal forms and technicalities, present them in the style of simple narrative. The records of these trials are not easily accessible to the public, and a brief account, without comment of our own, containing the leading features of these cases, must possess some interest, though, perhaps, not of much practical use to practitioners, occasionally the facts related may involve interesting reminiscences of celebrated members of the bar, and also historical events in the life of remarkable personages.

The trial of the celebrated case of Dr. Charles Sabourin, of Longueuil, before the Court of Queen's Bench and a mixed jury, at Montreal, on the 14th and 15th April, 1858, is probably fresh in the memory of many of our readers, being generally known as the "Note Swallowing Case." Dr. Sabourin, a gentleman of respectable reputation, residing in Longueuil, was charged with having on the 16th February, 1858, stolen a promissory note for \$5,600, due to one Pierre Lucien Malo, a money lender, of Montreal. The judges presiding were the late Chief Justice Lafontaine and the Hon. Judge Aylwin. — The case excited great interest, and a formidable array of counsel was retained on either side. Mr. Monk, Q. C., (now assistant judge,) represented the Crown. Messrs. V. P. W. Dorion, Doherty, and Papin, appeared for Mr. Malo, the private prosecutor. For the prisoner, the case was conducted by Messrs. Drummond, Q. C., (now Judge Queen's Bench,) Carter and Devlin.

The charge against the prisoner was that on the 16th February, 1858, he entered the office of Mr. Malo, and having got possession of the note, tore it into

pieces, chewed the pieces, and swallowed them in Mr. Malo's presence. The principal witness was of course Mr. Malo, and the defence rested mainly on the excellent character borne by the prisoner, contrasted with the ill repute of his accuser. Having premised this much, we shall enter into fuller detail of the trial, and present an abstract of the testimony of Mr. Malo. In opening the case for the Crown, Mr. Monk observed that he had known the prisoner himself for ten or fifteen years, and had formed a high opinion of his personal worth. Judge Aylwin having inquired whether it was understood that the note was not to be produced, Mr. Devlin, in reply, said the defence denied the existence of any such note, and, therefore, they could not produce it. Mr. Drummond objected at the outset to the admission of any evidence about a note not produced, but the objection was not entertained by the Court. Pierre Lucien Malo was then placed in the witness box, and proceeded to recount the extraordinary facts attending the alleged abstraction of the note. — He said :

"I live in St. Gabriel Street, Montreal, and have been in the habit of transacting business with the prisoner. On the 13th Nov., 1857, I received his note for \$5,600. This note was payable at the Banque du Peuple. It was dated 13th Nov., 1857, and was made payable to the order of Toussaint Daigneau, of Longueuil, three months after date. It was signed by the prisoner, C. Sabourin, and endorsed by Toussaint Daigneau, E. Page, A. Thurber, and P. E. Picault. When this note became due, 16th February, the prisoner came to my office about half-past eleven in the forenoon. My office is on the second flat. I met the prisoner at the door in the street, and we went up stairs together. The prisoner took a seat seven or eight feet from my desk. I asked him if he had brought any money with him. The prisoner answered, very little. I said, — 'Such a course will not do; you have been using me in this way a long time. You always tell me you will bring me something, but you never keep your word. It seems you mean to humbug me, so if you don't pay up soon, I will have this note protested, for I don't want to let it go to such an amount that neither you nor your endorsers can pay it.' To this the prisoner answered nothing. I then put the note upon a table near my desk, to see if the prisoner would