

THE QUEBEC TRANSCRIPT.

wagon, I do not recollect having seen any person on horseback near it. I did not see Jalbert as I left nor as I returned. Nor at Madame St. Germain's; I entered that house by the front door. I do not recollect having heard the bells ringing.

Emilie Plante, 6th witness.—I was at St. Denis when the soldiers first came there in 1837. On the morning of their arrival I saw an officer there in a wagon along with Maillet and François Mignon the Post Master. The officer was not bound but had a string round him; Mignon was alongside of him; the wagon was close to the house where I was, and I saw the officer jump out of the wagon. Maillet, who was behind him struck a blow, but I cannot say what it was at; he broke his sword; the officer's face was towards the ground, and his hands on his head which had blood on it. He was near dying. I saw Jalbert on horseback after the officer was dead, he had a drawn sword over his shoulder, and he came over to our house to ask for a pistol; the sword was stained with blood, I did not observe if it was fresh or dry; this was after the officer was killed, but not long after; Jalbert did not dismount; the house I was in belonged to Joseph Pratt; Jalbert asked my father-in-law about the pistol, this was before the firing began; it was a good while after I saw Maillet break the sword tip; I saw Jalbert; this was after the officer was dead. I was at my prayers, and when I saw the officer dying I did not look until I had finished, so I cannot say what occurred during that interval. Some time elapsed from the period I saw blood until the officer was dead; I remained in the kitchen at my prayers after seeing the blow until the time that I saw Jalbert.

Cross-examined.—I am 17 years of age; I was at that time a good deal alarmed, and therefore I cannot tell precisely what took place though I have related as nearly as I could what passed. The wagon was in the road and I was in the gallery beside it, the road is wide. When I saw Captain Jalbert I am sure the officer was dead; it was long after I saw the officer dead that I saw Jalbert; I did not see the officer dying but I saw him dead; Jalbert was on horseback and going towards Dr. Nelson's; I saw the sword on the right side going down the river; I was quite close to Jalbert, and I am quite sure it was blood I saw. I did not drink brandy or any kind of liquor. I have since said to some one who was teasing me that I was in liquor; I was greatly agitated.

Jean-Bte. Guertin, 7th witness.—I was at St. Denis on the 23d November, 1837, and in the morning I saw a wagon stop in which were François Mignon and Jean-Bte. Maillet, also another person who I believe was Lieutenant Weir. When I first saw the officer he was on his knees in the road, and I saw some one strike him with a dirk or sword; it was Pratt. When I saw him strike, Mignon was five or six paces from Mr. Weir, I heard Mignon beg Pratt to do the officer no injury, saying that he was under his charge. Mr. Weir had received a great deal of injury; when Pratt struck him I saw Jalbert come up on horseback, I do not recollect if he had the sword drawn but I think it was by his side, I cannot say if there was a scabbard; I did not see Jalbert point a pistol at Mr. Weir nor order any one to fire; there were a number of persons there. I have been told that a pistol was presented but missed fire. Jalbert was coming up at the moment the blow was struck; a great many persons were speaking; I did not see Jalbert strike or stab with his sword; I did not see him with a sword in his hand.

Cross-examined.—I cannot be certain if the sword was drawn; Jalbert's hands were grasping the bridle, he had a belt about him; I conceive the sword must have been in the scabbard. The officer had received two blows before the arrival of Jalbert, and as I believe before the blood was on his head. The blows from Pratt appeared to be very severe, and the officer fell at full length on the ground. I cannot say if he got up again.

(The witness is here shewn a deposition, and declares that the same was made by him, on which the Attorney General moves that he be committed. The motion being granted by the court, the witness in custody.)

Lieut. Griffin, 32d Regiment, 8th witness.—The late Lieut. Weir was in the same regiment with me in November 1837; he was sent with dispatches from Montreal to Colonel Gore. I accompanied an expedition to Sorel, and hearing that Mr. Weir had been murdered we made every effort to recover his body, but for some time without success. On the 4th December I met Major Reid, who told that he had received a letter which he gave me to read.

The writer stated that he understood the body of Lieut. Weir was in the river Richelieu; after considerable search we at last found the body in the river covered over with stones; I recognised it at once. It was taken charge of by Dr. McGregor; Mr. Weir's coat appeared quite black. T. McGregor it at present in court. (The witness recognizes him.)

(The prisoner's counsel declines cross-examination.)

Marie-Louise L'Hussier, 9th witness.—In November 1837, I left my house in St. Denis during the troubles; previous to my leaving I heard some noise and went to the door with my daughter; there was a wagon there; there was no one in it, but about the opposite wheels I saw some person. Jalbert was on horseback; Maillet and one Pratt were also there besides several others; I saw a person rise and speak; I cannot say if Jalbert had any thing in his hand; I was very much frightened; I saw Pratt strike the person; it was after he struck the blow that the person got up; he was entangled among the wheels, and he spoke in English; I left the place, and I believe the person was not then dead. When I saw Pratt strike I am positive that Jalbert the prisoner was present; after he received the person got up.

Cross-examined.—I am 59 years of age; I was very much alarmed; I cannot say how long I remained at the door; I did not see Captain Jalbert strike; I was very much surprised and fear caused me to leave; I cannot say how many blows I ratt gave; I was so much alarmed that I could not well see what was going on; I did not see Mignon then but I saw Maillet.

Louise Ayot, 10th witness.—I lived at St. Denis in November 1837. I saw the officer on the day of the troubles; I did not go out of the house that morning; I went with my mother to the door and saw the officer in the wagon, distant about two or three arpents; Jean-Bte. Maillet and some others were in the wagon; Captain Jalbert came there on horseback; I saw Pratt there also I heard no report of gun nor did I see any body strike the officer; I did not stay all the same my mother did; I did not see the wagon stop; they were on the St. Charles road; I went off as the wagon stopped.

Cross-examined.—My mother and I retired together; when I first saw the wagon it was two or three arpents from me; I saw only one person in the wagon when it was coming up and that person was Jean-Bte. Maillet; I went once into the house. My mother was very much frightened and so was I; I did not see the officer go out of the wagon; I am sure I did not see Mignon.

Re-examined by the Attorney General.—We were in fear from many causes; we knew that it was an officer; it was known that an officer had been taken prisoner that morning. It being 6 o'clock, the Court adjourned until to-morrow morning at the usual hour.

WEDNESDAY, 4th Sept.

Frs. Marsden dit Lacroix, 11th witness.—I live in St. Denis, and was there in Nov. 1837, when the troops arrived. I recollect seeing an officer in a wagon at Dr. Nelson's door; I was on the gallery at the time. I heard that day that the officer was killed near Cadieux's house. About half-past nine the same morning I passed by there and saw blood—it appeared as if a body had been dragged along through the mud in the direction of the river. I knew Jalbert, and saw him on that morning opposite Dr. Nelson's house on horseback with a drawn sword, which appeared to be stained with blood, though it might have been rust; he was trotting quick in the direction of Madame St. Germain's house. I think that Dr. Neilson was there. This was after the officer was killed; Jalbert came from the direction in which the blood was. I saw the officer leave Dr. Nelson's about three quarters of an hour before Jalbert's return.

Cross-examined.—When Jalbert passed Dr. Nelson's it was about the commencement of the firing; and he had the appearance of a man going to battle; this was about 9 o'clock. The village was in a tumult, and the approach of the battle excited my attention most. I cannot say whether it was blood or rust which was on the sword. Maillet, Mignon and another man went as a guard with the officer. I think Jalbert was there on horseback.

Frs. Mignon, 12th witness.—I live at St. Denis, where I have been postmaster and innkeeper for many years. I know the prisoner Jalbert. On the 23rd Nov. 1837, an officer arrived at St. Denis about 8 or 9 o'clock, a.m. I was ordered to go to Dr. Nelson's, and from thence to conduct the officer to St. Charles, I

found a wagon ready at Nelson's door, and saw Nelson himself, who told me I was the fittest person to conduct the officer to St. Charles. I asked if the officer was armed. His hair was I believe fair, and he wore a blue surcoat, but put on an overcoat before going out. I drove the wagon, and told Guertin to get out because the roads were bad. The officer's hands were tied, but I untied them, seeing that they were becoming discoloured. I gave him my gloves, and told him that he was under my protection. After I untied his hands a strap was put round his middle, and on proceeding a little distance the officer jumped out, and from the position of the strap, fell on his knees. Maillet then struck the officer two blows with a sword, which broke. The sword was about two feet long. I do not think that he inflicted grievous wounds. The officer got up, and was making for the troops, whose advanced guard was about 7 or 8 paces off. Maillet called out for assistance. I then saw Joseph Pratt strike the officer with a large cavalry sword. When I got there he must have struck 10 or 12 blows, for the officer was dreadfully mangled. I raised him and saw that some of his fingers were cut off, and that there were great cuts in his head. The officer had lost a great deal of blood. I spoke to him. Jalbert had not come up at this moment. I said to the officer in broken English, "I am afraid my protection is too late, I am afraid somebody shot you in a minute, I can't help you." I meant to say some one would shoot you in a minute. I pushed Pratt away. Several persons in the crowd cried, "let's finish him, let us finish him." At this moment Jalbert came up on horseback, with a sword at his side and a pistol, which was at his saddle, think, and he probably might have commanded to finish him. I knew Jalbert before. He could not come into the crowd, being on horseback. Capt. Jalbert said "finish him, finish him." I heard the words "achevez le, achevez le." Louis L'Hussier came up with a gun which he levelled at the officer, but it snapped three; some one then came up with a pistol, and I then left for I was very much afraid they would use me in the same manner. I did not hear the report of a pistol. When I again returned Pratt was still striking the officer, blood gushed out of his neck. I then asked them to assist me to remove the body of the officer whom they had so barbarously killed. Maillet then assisted me to remove the body between two houses. I only heard Jalbert say "finish him." I did not see him strike; his sword was by his side. I had my back turned towards Jalbert; I was endeavouring to help the officer. All that I have stated you will learn from other witnesses.

When I returned I did not see Capt. Jalbert. Previous to Jalbert's coming up, I heard persons say "finish him;" Jalbert said so probably; I believe he did so, I have no doubt but that he did so.

Cross-examined.—I saw the officer in the room on the left hand as you enter Nelson's house, and I recollect perfectly what Nelson said. He told every one to treat the officer as a gentleman. The officer told Dr. Nelson that he was Lieutenant Weir of the 32d Regiment, and Dr. Nelson told me so. The officer had apparently breakfasted with Dr. Nelson. There was one on horseback with us. Firing had commenced farther down when we left Dr. Nelson's. No insult was offered to the officer, and he understood that he was under my protection. He wanted to see the soldiers, whose firing we heard, but Maillet would not let him. Mr. Weir then leaped abruptly from the wagon; he had passed his word that he would not attempt to escape; he had not asked to have his hands untied, but he gave his word and I untied them; Maillet struck at him as he leaped. I am positive that Jalbert was not there when Maillet and Pratt struck Mr. Weir's head and fingers were much cut and he was all besmeared with blood. I thought he could not have more than 5 or 6 minutes to live. There were a good many people there, and they were in agitation. When I came up I heard people crying out "finish him," and I tried to push through the crowd. Jalbert arrived just as I came out; he might have said "finish him," but the crowd had said so before. I stopped the wagon and ran up with the intention of saving the officer. Before Jalbert arrived, there might have been 10 or 12 who cried out "finish him, finish him." It might be 4 or 5 minutes after I first came when the head and arm of Mr. Weir were so much cut that I heard the cry of "finish him." Jalbert stood on the outside of the crowd, being on horseback. There was a crowd between him and the officer who appeared to be almost dead.

I think motives of humanity prompted many to cry out "finish him." I believe Jalbert said "finish him"—the cry was general and I have no doubt but that Jalbert joined in it. He thought that I could not discover Jalbert's voice. The condition of the officer was such that his immediate death was desirable. Jalbert remained there 5 or 6 minutes, perhaps 10 but not a quarter of an hour. Jalbert was a church warden and had been captain of Militia for several years; he was on the frontier during the late war; I have always known him to be a brave and humane man. I was quite overpowered at the beginning of the affair.

Emilie Plante, recalled, 13th witness.—I saw no pistol fired. L'Hussier fired on the officer and hit him; the officer was just dying and he finished him.

Cross-examined.—I cannot say how long the officer had been on the ground. I saw the officer move not long before L'Hussier fired. I do not think they cried out "finish him," but had they done so I believe I would have heard them; I was at an open window and the scene took place at the opposite side of the street. I did not hear any crying out.

Jean Baptiste Cadieux, 14th witness.—I was at St. Denis. On the first day that the news came to St. Denis in November 1837, an officer named Weir arrived there. The first time I saw him they were dragging him through the mud—he had fallen under the wheel. It was about 8 o'clock in the morning. He jumped out of the wagon. I think I saw him hold the cord and Maillet driving. Weir struck by Maillet with a sword or a long knife which broke. Pratt then ran at and struck Weir many blows. Capt. Jalbert came up on horseback. He had a sword by him which he drew and in my presence he struck Lieut. Weir a blow on the head, I think he went into the house. The blow appeared to be heavy and on the head, for the officier's consequence of it. I think he raised his hand to ward off the blow. I did not see the officer after that, but I heard that he did not die immediately. Capt. Jalbert came by the road that the officer had come on. On seeing my window I think I heard some one say, "let us take the body between two houses." I heard two reports after this, one of a gun and another of a pistol. Jalbert only struck one blow. I believe he is subject to temporary absence or wandering of mind ("absence of spirit.") He is an exemplary man in his parish. There are times when he is affected by two or three months or more. I cannot say that he was affected at that time. I had seen him about a fortnight before that.

Cross-examined.—His aberrations did not appear to be feigned. They continued some times for a month or two. When they came on something generally vexed him. He accuses himself sick when he is not. A person who does so must be afflicted with abnormal Pratt had struck and so had Maillet before he arrived. Pratt struck with all his might, and his sword which I saw afterwards was hacked. There was a great tumult. The scabbard of Jalbert's sword was of a white colour. I am 84 years of age. Jalbert is a man in whom great confidence is placed, and he served in the war of 1813. He is not one to be afraid; he is a brave man, and brave men are generally humane men. It was almost immediately after I saw the blow struck by Jalbert that I on re-entering my house heard them say that they should pull the officer out of the road and put him between the houses. The report of the pistol or gun was after I entered my house. The body had already been conveyed between the two houses. I was shut up in my house. I did not see the body. I was informed about the shot. Lieut. Weir was close behind the wagon when he received the blow.

J. McGregor, (15th witness), Sergeant, 20th Regiment.—I knew the late Lieut. Weir well. (The witness relates precisely the same circumstances as Mr. Griffin did yesterday with the finding of the body.) The arms were pinned. I took his watch out of his pocket. I had seen it often before. One Mason, who has been a witness in this cause, assisted us. We brought the body to Montreal where the examination took place. On the left side of the neck there was a large sabre wound about five or six inches in length, which alone was sufficient to produce death. Formed an angle with this wound there was another nearly as large which had exposed the windpipe. On the front of the head there was a great sabre cut; also sufficient to cause death. This wound was evidently inflicted by a very sharp instrument. The blow described by the last witness as having been given by Jalbert, would have produced such

a wound as this. On there was a gun shot stab. I removed the skull of which I have been inflicted by the head of the de There was also a gun groin. Two shots at I extracted one ball between the two crum left hand were cut was another wound fi head.

Cross-examined.—I wounds on his head wounds in the body w death. The profuse b these wounds would h

Dr. Arnold, Jun., and corroborates the e ness.) The blow as have been struck by J wound on the forehe sufficient to cause dea to have been inflicted deceased.

(The Attorney Gen prosecution closed, a nel enter on the defe July.)

THE D

The following with part of the prisoner:—

Jean Baptiste Godb fireman in Dr. Nelson ber, 1837; I had been son's employ. The 1 23rd November, M was engineer; the m night preceding the Mason took his gun i tillery, and went into ward; did not see him ed in about a quarter house is an arpent or distillery, and on the I heard firing during that Mason was absent went; when he retur ed a piece of news—h returned from killing This was between 8 a ring had commenced son went up stairs to and like the others troops.

(The Attorney Gen ving specific facts a tained by the majority I cannot say how I stairs; I did not see I not say where he was hour that he was abs having been elsewhere he told me he had be rection of St. Ours. years to be a good, re

Cross-examined.—I day of the month or I recollect the facts—M was where the machi at the fire.—There w low and Mason above a person could go out; the part where I was- son could have gone my knowledge. I left time was so short the son could have gone I not my eye all the tin my place was down s of the machinery and thing such as oil or used to be got at D knowledge that Ma others in the mill—M as to where he had I of the hour—I judg height of the sm— gloomy and bad, and —we generally judg have been about 8 or out of the distillery t went out by the side told me that the of dately after he told m he went out; he first