

COPIES OF THE

PETITIONS

OF ELIE BOUCHER, ROBERT COWIE, AND WILLIAM DAVIS,

FOR

Writs of Habeas Corpus, and the Affidavits in support thereof, &c.

ALSO OF THE

*Writs of Habeas Corpus, issued at their instance,
and of the Returns to the same.*

No. I.

PROVINCE OF LOWER CANADA.

To the Honorable Jonathan Sewell, Esquire, His Majesty's Chief Justice for the Province of Lower-Canada.

The Petition of Elie Boucher, of the City of Quebec, in the Province of Lower-Canada, Mariner,

Respectfully represents,

That your Petitioner is now confined, as a prisoner, in the Common Gaol of the District of Quebec, under a certain paper writing, whereof the following is a true copy, viz:—

“ To the Gaoler.

• “ Take charge of Mr. Boucher and keep him 24 hours from this date.

(Signed)

W. S. SEWELL, Sheriff.”

“ 1 o'clock, 30th November, 1830.”

That your Petitioner conceives that he has been, and continues to be illegally unwarrantably, and oppressively deprived of his liberty, under the said paper writing.

Whereupon your Petitioner humbly prays that His Majesty's Writ of *Habeas Corpus* may issue, returnable before your Honor *immediate*; and thereupon that, by the order, and under the authority, of your Honor, he may be forthwith discharged from and out of custody, and go at large.

Quebec, 30th November, 1830.

(Signed)

ELIE BOUCHER,

Subscribed and delivered in the presence of

(Signed)

JAMES MCKENZIE,

(Signed)

FRANCIS WARD PRIMROSE,

} Witnesses.

The above Petitioner, having annexed to this Petition, and laid before me, an affidavit of James McKenzie, and a certificate of the Clerks of the Peace, by which it appears that on the 30th day of November last, he the Petitioner, by and before John Neilson, Esquire, Jean Baptiste Duchesnay, Esquire, and others Justices of the Peace for the District of Quebec, was convicted of having distributed to divers Indians within this Province certain Rum and strong Liquors, without a license,—and that it was thereupon considered and adjudged, that the said Elie Boucher, do pay a fine of five pounds, and be imprisoned for and during the space of twenty-four hours next ensuing, I consider this adjudication to be a conviction, and that the order of commitment contained therein, is in execution thereof. Elie Boucher, being therefore convicted, and also in Execution by judgment of the above mentioned Magistrates, and no Judge having authority in vacation to discharge or bail a person that is a person convict or in execution by judgment, I do not conceive myself authorised to issue the *Habeas Corpus* which the Petitioner requires.

Quebec, 1st December, 1830.

(Signed)

J. SEWELL,

Chief Justice.

True Copy,

W. GREEN,

Clerk of the Crown.