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FRIDAY, 13TH SEPTEMBER, 1839.

[PRICE ONE PENNY

THE TRANSCRIPT.

QUEBEC, FRIDAY, 13TH SEPT. 1839.

New York dates are of Sunday evening, at which time the *Great Western* was monumentally expected, she being then out fourteen days. Should the news by this vessel in Quebec in the course of to-day or to-morrow, we will issue an extra.

The steamer *Great Western*, said to be one of the finest boats on the Western waters, has been totally destroyed by fire while lying at anchor. She caught fire on Lake St. Charles, the flames were early discovered, and under, but it would seem from the disastrous result, not entirely quenched. The boat was worth \$100,000, and there was no insurance.

The exclusion of almost all other matter in this day's *Transcript*, a copy of the trial of Jalbert, which will be published with much interest, both from the nature of the event has created and the information it affords in relation to a portion of the proceedings of the leaders of the first rebellion. The Jury, it will be seen from the enclosed extract from the *Montreal Courier* of Wednesday, have been discharged without rendering of a verdict:—

10 o'clock, P. M., Tuesday.
A very strong protective guard of the Grenadiers in under arms, to escort the conscientious *scrupulous* French portion of the Jalbert out of harm's way. We have seen no signs, nor heard of any preparations to receive these friends of even-handed justice a reception; but still, there is nothing precaution against popular fury. Tranquillity seemingly reigns, but the glistering of the soldiery speak of uneasiness on the part of the authorities. At half-past eleven, they are expected to deliver their verdict, and can agree on one.

The Jury, as was expected, could not agree, and have been discharged by the regular law, at 12 o'clock. The Court House crowded; and, at the close, great disappointment was evinced by the British inhabi-

at "great disappointment was evinced," readily believe, for, from the mass of unadvised testimony adduced by the Crown, it was natural to expect that a Jury of intelligent men would soon decide in a verdict. We can appreciate the feeling of indignation and disgust that we are prevailed among the Loyalists of Montreal who were not prepared, even after the above paragraph in the *Courier*, an anti-British ebullition—*à la* Lynch law those feelings, which, we are sorry to have taken place. It appears, from correspondence received yesterday, that the jury had replied in the negative to the question, "are you agreed upon your verdicts and execrations upon the ten who were for acquitting ensued, and these individuals for their personal safety left the bench, but before they had the court a tremendous uproar arose. A number of persons armed with sticks had congregated together, and immediately the jurors discharged by the court, rushed to the street and commenced beating them violently. The constables and a number of police interfered to prevent further violence on the arrival of a detachment of the Grenadiers; several of the jurors, however, had severe wounds from inkstands and missiles that were thrown at them. The jurors were escorted to their homes by the 1st Grenadiers, Jalbert back to prison by the Hussars. The two jurors, Maybell and Mignon, who were for convicting the prisoner, greeted with deafening cheers, and were dispersed soon after. Up to 4 o'clock on Wednesday afternoon, no further disturbance taken place, and no arrests had been

TRIAL OF JALBERT

FOR THE MURDER OF LIEUT. WEIR.

COURT OF KING'S BENCH, MONTREAL.

LIST OF JURORS SWORN.

Etienne Power, Benj. Trudelle,
Jean Wer dit Rolland, Am. Deshottle,
Pascal Lemeure, Dan. McKerche,
Edward Atwater, Jean Cadotte,
Seymour Laonde, John Maybell,
Eddie Desève, George Fraser.

The indictment is read over, after which the Solicitor General opens the case by a dressing the Jury.

The following witnesses are then called on behalf of the Crown:—

Dr. Carter—I was a Captain of Militia in Nov. 1837. I met Lieut. Weir at Sorel on the evening previous to the outbreak at St. Denis. He came there on horseback and asked where the barracks were. I went with him, and he asked the sergeant of the guard if his sword, &c. had arrived. He was informed that all the baggage of the 32nd had gone on. Lieut. Weir then got a caleche to take him to St. Denis in the hope of overtaking his regiment. I saw him leave. He was dressed in a blue surtout, I believe, and seemed very much fatigued; he seemed surprised that the troops had gone on; he left I am sure with the intent of overtaking the troops.

Cross-examined—The troops left I believe about half-past seven, and Lieut. Weir left in the said caleche about 9 or 10 o'clock. His dress was to all appearance military, but he had no weapons.

Andre Levalle, 2nd witness.—I am a carter, and was living at Sorel in Nov. 1837. I remember about that time being engaged to conduct a person to a distance of about three leagues. The person was Mr. Weir as I understood. He was dressed in dark clothes and was in a hurry to get on. He left about 11 o'clock at night, and his object was to overtake the troops, as he expected to find them at Jones' Mills, about two leagues distant from Sorel. I drove Lieut. Weir to St. Denis, and when about 15 or 20 arpents from it, we were stopped by a guard. We said we were going to Chambly, on which four persons on horseback took us to Dr. Wolfred Nelson's house in the village. Lieut. Weir was taken into a room, and I was sent into the kitchen. I remained there about an hour, and then I left to go home. When I was leaving the house I saw Dr. Nelson, Lieut. Weir and another person at the breakfast table.

Cross-examined—I understood perfectly that Lieut. Weir left to join the troops. I speak a little English. We did not meet any person until we encountered the guard. I could not tell that Lieut. Weir was a military man.—When we arrived at St. Denis, Dr. Nelson with others came to the door of his house, and spoke to Mr. Weir in a gentlemanly manner, receiving him as such. When I left I saw the table laid for breakfast. The number of the guard was considerable. When we said we were going to Chambly only four of them came with us. No person spoke. They appeared to be all armed, and I know that those who came with us were so. There were a number under arms in the village, and they appeared prepared to make a defence. I did not hear that they expected the troops, but from my observation they appeared to me to be anticipating something. It was not quite daylight when I left Dr. Nelson's. I returned by the same route, along the banks of the Richelieu, and met many armed men, but no troops.

John Mason—I am an engineer, and in November, 1837 I resided at St. Denis in the employ of Dr. Nelson. I remember an officer being arrested one night by the rebels. I believe I was working at my business. Next morning about eight o'clock I saw him in a waggon in front of Dr. Nelson's house along with J. B. Malliot and one Mignon. Another man got in a short distance farther on. The officer had his hands tied before him. I then saw the prisoner, Jalbert, who was Captain of Militia. He was on horseback between the

waggon and Nelson's door, and had a drawn sword over his shoulder, and had a pistol projected from his breast. Dr. Nelson gave orders to the parties to use every diligence and allowed Lieut. Weir to Gen. Brown. Jalbert stretched out his hand saying in English "drive on." The waggon then went along, Jalbert acting as an officer. About three quarters of an hour or perhaps an hour after this I was at the gate of the distillery in St. Denis, when I again saw Jalbert on horseback with his sword still drawn. He rode up to the camp. The village was then in a hubbub for the troops were approaching. Jalbert was riding very fast and he continued on to the camp about 30 yards further on, where were many armed men. He said "I am just come from killing the officer I look at his blood." I saw blood, I believe, fresh on the sword. Dr. Nelson said to him "Hut tut man, you don't know what you have been doing." Jalbert remained about a minute and returned. On repassing me he waved his sword and said "I have just killed one of our enemies" or "an enemy." He rode down and I saw him no more that day. Two or three days after the attack on St. Denis I met Jalbert about a mile from thence and I asked where he came from. He said "I am coming to get men for the fight." I said that it was of no use for that Dr. Nelson had retreated. He said he was glad for that he feared Dr. Nelson's wrath, because he had killed the officer. Afterwards he said "I didn't kill him alone but I am blamed because I was Captain. If all the military were killed it would be better." Lieut. Weir was the only officer killed on that occasion, and I entertain no doubt that Jalbert in speaking of the officer alluded to Mr. Weir. I saw the body of Mr. Weir after it was taken out of the river.

This was several days after I saw him in the waggon. The troops had made a general search for the body and Colonel Gore was then at St. Denis with his troops. I saw the body taken out of the river at the back of a house. A great many officers were there, amongst them Major Reid, Surgeon McGregor and Mr. Griffin. (The witness recognised the latter in court.) From the clothes and other appearance I am quite certain that the body was that of the person I saw in the waggon. It appeared to have been desperately wounded, and it was then frozen. The body was stripped and put into a sheet. Apart of the ear was cut off, the right side was cut and there were some desperate gashes in the neck. A ball had entered his left groin and another was in his shoulder blade which surgeon McGregor extracted. The left hand was hacked terribly in the centre, the right hand was chopped in every way, he had a number of wounds about his back. Jalbert was always sober, and I had known him about 14 months. The sword was a heavy one. I had seen him grind a sword in the distillery some time before.

Cross-examined—I gave an affidavit previously to my being examined here to-day. I was requested by Major McCord to go forward and state what I knew. I was confined in jail in Montreal at this time.

[The Attorney General objects to the witness being asked what he was confined for and the objection is sustained by the Court.]

Major McCord asked me if I knew anything of Mr. Weir's murder, and I said if there was sufficient evidence without me I did not want to be concerned. It was well known that St. Denis was to be attacked some days before it was so. Armed men were stationed about, under the command as I understood of Dr. Nelson. Jalbert had cut down the pole which indicated the rank of Captain of Militia, because he had got a new commission from Dr. Nelson; he had command of a company, and they paraded very often, Jalbert appearing at parade on horseback. I heard that Lieutenant Weir had been taken prisoner on his route from Sorel to St. Denis. Before the waggon left with Lieut. Weir, it was reported the troops were approaching, and about an hour afterwards the action commenced. After Dr. Nelson gave his orders about the officer, the waggon proceeded, Jalbert appearing to be in charge. He was the only one on horseback, and Mignon drove. A minute or two after I

saw the waggon stop at Guerout's door; it then continued on, and I went to my work, speaking to no one. I was at about 40 or 50 yards from the waggon, I suppose. There were 10 or 12 persons around it. I saw Jalbert returning; he appeared to be coming from St. Charles. He was on horseback and had his sword unsheathed. No firing had then taken place, but there were a great many persons about Madame St. Germain's house, and there was a great tumult. I saw Dr. Nelson two days after that. I saw previously two persons come and grind their swords—Nelson's son had a new sword. When in jail here I was confined in the same cell with Jalbert for 8 or 10 days; I had no quarrel with him. One night there was a noise, and Jalbert said that I had caused it. I said to him if he had liked his rest as well when he murdered Weir, he would not have been where he was. Some of the prisoners were present—I spoke in the French language.

[The question is to the charge on which the prisoner was arrested, is here after reapplication allowed]

I was arrested at St. Denis (which is about 40 miles from Montreal) on several charges, one for stealing a horse to carry away the body of Mr. Weir. I was not tried. I delivered the horse to the regiment and explained how it came into my possession: I told this to Mr. McDonald I was in jail 10 days on a charge of sheepstealing, and I was not discharged until I proved my innocence some days after I gave the deposition.

Ann Mitchell, 4th witness.—I am the wife of John Mason. I have not being in Court since the trial commenced. In November 1837 I resided at St. Denis, with my husband who was in the employ of Wolfred Nelson. I remember resistance having been made to her Majesty's troops by Nelson and others in Madame St. Germain's house—Before the firing on that day began, my husband was standing at the door of Nelson's distillery, and he told me in answer to my anxious enquiries that the troops were coming, I then saw the prisoner Jalbert coming on horseback from the direction of St. Charles. I heard him cry "Police" but as I do not understand French, I cannot say what more he said. Jalbert continued on and I saw him no more. I knew him well and am sure it was he.

Cross-examined—I saw Jalbert first near Dr. Nelson's house between 6 and 7 A. M. and not again until he passed with his sword—perhaps a quarter of an hour before the firing commenced; I was very much alarmed at the time.

Pierre Guertin, 5th witness.—I was at St. Denis on the 23rd November 1837 and was ordered to take charge of an officer who was a prisoner at Dr. Nelson's—This was between 5 and 6 A. M. I remained there in charge of the prisoner until eight o'clock; Jalbert was there armed with a sword or bayonet; I did not receive orders from him. The officer was put on board a waggon. He was dressed in a farnought coat. We were going to St. Charles; when I left Dr. Nelson's with the prisoner it was eight o'clock or more, there were several persons about the house. I saw one Mignon hold the strap with which the officer was tied; I was armed with a gun and went with them a little distance, when I was ordered to get out because the roads were very bad, and the others in the waggon said they could guard the prisoner. They had gone on some distance when I heard a noise; it often had then fallen down and was lying among the wheels. Malliot could not have struck the officer because he was among the wheels, but his arms were raised when I turned round; the cries seemed to proceed from a person in great distress, and they were intermingled with cursing. I then ran off and was ordered into the large house of Madame St. Germain. I received orders from Jalbert to take charge of Weir, it was then dark, I was not the only person ordered to take him in charge. Shortly after Mignon arrived we left, Lieutenant Weir had his hands tied, but afterwards they were untied.

Cross-examined.—I did not hear any insinuation offered to the officer when he was in the