

# THE QUEBEC TRANSCRIPT,

## AND GENERAL ADVERTISER.

Vol. II.—No. 72.]

WEDNESDAY, 7TH AUGUST, 1839.

[PRICE ONE PENNY.]

### Poetry.

#### BRITAIN, HURRAH!

BY W. ALEXANDER.

Despots go boast of their prowess or knavery;  
 In Britain, whoever may challenge thy might,  
 All be taught, that the generous suppressors of  
 slavery,  
 Though matchless in friendship, are lions in fight.  
 The victories which brighten the page of thy  
 story,  
 By the fond ones who gladden the homes of the  
 free,  
 That valour which, silent, yet pants for thy  
 glory,  
 For shall e'er trample or triumph o'er thee.  
 Who not the tyrant whose heart beats the proudest,  
 Who still yields most firmly the thunder of  
 power;  
 Who not the braggart whose throat is the loudest,  
 Who still is most dauntless in danger's dark hour,  
 Who the cool-thinking hero, yet peace-loving brother  
 whose insult hath roused, and whom justice doth  
 shield,  
 Who seeks not the conflict till wronged by another,  
 Who e'er sheathes the sword while a foe's on  
 the field.  
 Who fight for our homes and that love so endear-  
 ing,  
 Which ever is blest with true liberty's name;  
 Who we fall, e'en while dying how soothing—  
 how cheering!  
 Who think o'er the heroes will spring from our fame!  
 Who mount the bold steed—hark, the trumpet is  
 sounding!  
 Who sheath the bright blade—see the broad ban-  
 ners wave;  
 Who brace up each hurrah—and to battle while  
 bounding,  
 Hail—Britain, hurrah for the late of the  
 brave!"

#### AN INSTANCE OF THE DANGER OF CIRCUMSTANTIAL EVIDENCE.

ance, and that spirit of inquiry which pry excuses in himself by calling it the aesthetic of the age, once led us to visit an asylum at Charenton. Amid the sad and afflicting instances of debased degraded humanity we met with, one man we most particularly. He was about and-thirty years of age, tall and well with a lofty forehead and a deep-set piercing eye. The whole character of his was highly intellectual; but the expres- sion of his features was melancholy and giving beyond anything my words can de- scribe. The face was deadly pale, and bed by small blue veins; and the dragged and downcast look bespoke utter des- pair.

He never noticed the persons about, but stared fixed at vacancy, and mutter- ed constantly in a broken and supplicating tone, as if entreating forgiveness of some and heinous crime.

"Will he recover?" said we, as we turned away the spot.

"Never," said the keeper; "his is a mad- ness ever curable."

Our return to Paris, M. E., the noted physician, who had accompanied Charenton, gave us the following brief of this man's case.

Monsieur Eugene S— had so brilliantly finished himself in his career at the bar, that at the early age of twenty he was named Procureur de Roi, an in many respects similar to that of our general. To a great knowledge of the profession, rarely attained at so early a life, he united the gift of a most pleasing eloquence; and, stranger still, a high acquaintance with human nature in shapes and phases, which seemed ab- solutely incompatible with his habits of close and seclusion. There was no art nor craft with the details of which he was acquainted; no rank or walk in life, whose usages and prejudices he could not dip into, to identify himself with. The very dialect of the lowest classes he had made his study, from the patois of Normandy, to the fish jargon of the Gasconne, he was conversant with all. Talents like these were not in establishing the fame of their pos- sessor before he had been four years at

the bar, it was difficult to say whether he was more feared as a rival by his colleagues or dreaded as an accuser by the criminal. This to a French advocate was the pinnacle of professional fame.

As his practice extended, his labor at home became much greater; frequently he did not leave his study till day-break, and always appeared each morning at the opening of the court. The effect upon his health was evident in his pallid look, and his figure, formerly erect and firm, becoming stooped and bent, the life of leisure and amusement; and his existence was thus one great mental struggle.

All who understand the nature of a trial for life and death in France, are aware that it is neither more nor less than a drama, in which the Procureur de Roi plays the principal character; and whose success is estimated by but one test—the conviction of the accused. There is no preparation too severe, no artifice too deep, no plot too subtle, for the advocate, upon occasions like this; he sets himself patiently to learn the character of the prisoner, his habits, his feelings, his prejudices, his fears; and by the time that the trial comes on is thoroughly familiar with every leading trait and feature of the man.

In combats like this our advocate's life was passed; and so complete a mastery had the demerical passion gained over him, that whenever, by the acquittal of a "prevenu," he seemed to be detained in his rightful tribune of admiration and applause, the effect upon his spirits became evident; his head drooped; and for several days he would scarcely speak. The beaten candidate for collegiate honours never suffered from defeat as he did; and at last to such a height had this infatuation reached, that his own life seemed actually to hang in the scale upon every trial for a capital offence; and upon the issue, threatened death to the advocate or the accused. "Laquel de deux," said an old barrister, at the opening of the case, and the words became a proverb concerning Monsieur S—.

This mania was at its height when the government directed him to proceed to Bourdeaux to take the direction of a trial, which, at that period, was exciting the greatest interest in France. The case was briefly this:—A gentleman travelling for pleasure, accompanied by a single servant, had taken up his residence on the banks of the Garonne. Here the mild urbanity of his manners and prepossessing address had soon won for him the attention and good-will of the inhabitants, who were much taken with him, and in an equal degree prejudiced against the servant, whose Fretagne stupidity and rudeness were ill calculated to make friends for him. In the little village where they sojourned, two new arrivals were sure to attract their share of attention, and they were most rigidly canvassed, but always with the same judgment.

Such was the state of matters, when one morning the village was thrown into commotion by the report that the stranger had been murdered in the night, and that the servant was gone, no one knew whither. On opening the door of the little cottage, a strange and sad sight presented itself; the floor was covered with packing cases and chests, corded and fastened as if for a journey; the little plate and few books of the deceased were carefully packed, and everything betokened the preparation for departure. In the bedroom the spectacle was still more strange; the bed-clothes lay in a heap upon the floor, covered with blood, and a broken razor, a twisted and torn portion of a dressing-gown lay beside them; there were several foot tracks in the blood upon the floor; and these were traced through a small dressing room which led out upon a garden where they disappeared in the grass; the servant was nowhere to be found, neither could any trace of the body be discovered. Such were, in a few words, the chief circumstances which indicated the commission of the dreadful crime, and in the state of public feeling towards the two parties, were deemed sufficiently strong to im- plicate the servant, who, it was now discover-

ed, had been seen some leagues upon the road to Bourdeaux early that morning.

The commissaire of police set out immediately in pursuit; and before night the man was arrested. At first, his usual stupid and sullen manner was assumed; but, on hearing that the death of his master was now proved, he burst into tears, and never spoke more.

The most diligent search was now made to discover the body, but without success. It was nowhere to be found. A hat belonging to the deceased was taken up near the river and the general belief was, that the corpse had been thrown into the river and carried down by the current which here very rapid. The indignation of all parties, who were never kindly disposed to the servant, rose to the greatest height, that he would never acknowledge what had been done with the body, although now no doubt remained upon their mind as to his guilt.

His trial at length came on; and Monsieur S— arrived "special" in Lyons to conduct it. The great principle in the English criminal law, that a conviction cannot be held for murder until the body be found, exists not in France; but in lieu of it, they require a chain of circumstantial evidence of the strongest and most convincing nature.

To discover this where it existed, to fashion it where it did not, were easy to the practised advocate; and the poor prisoner, whose reasoning powers were evidently of the weakest order, and whose intelligence was most limited, offered an easy victim to every subtle question of the lawyer; he fell deeper and deeper into the snare laid for him; he was made to say that though on his road to Bourdeaux, he knew not why he was there; that the watch and keys in his possession were his master's he acknowledged; but why they were in his keeping he could not tell; every hesitation in his manner, every momentary indication of trouble and confusion were turned against him; and even when a fatal gleam of intelligence would shed across his clouded brain, it was anticipated by his torturer and converted to his injury. The result may be easily guessed; he was condemned to death; and the following morning, as the advocate received at his levee the congratulations of the authorities upon his success and ability, the prisoner was led to the guillotine amid the execration of ten thousand people.

Two years after this trial took place our advocate was passing through Amiens on his way to Peronne. There was considerable bustle and confusion in the hotel, from an incident which had just occurred, and which shocked all the inmates. A gentleman who had arrived the evening before, having attempted to commit suicide by cutting his throat, and was found two miles from the town upon the high road, where it appeared he had fallen from loss of blood, having walked thus far after his intended crime.

"His name is Lemoine," said someone in the crowd, as they carried him bleeding, and nearly lifeless into the house.

"Lemoine!" said Monsieur S—, musingly; "the name of the man murdered at Lyons by Jean Labarte."

"And what is most strange," said another, not hearing the muttered observations of Monsieur S—, "he is now perfectly sensible and most patient for his attempt, which he ascribes to a passing insanity that he has been liable to from a boy; the impulse is first to destroy, then to conceal himself."

"That is indeed singular," said Monsieur S—, "but there is no combating a monomania."

"So the poor man feels, for he has already essayed the same thing several times—in the last he nearly succeeded when living on the Garonne."

"The Garonne—Lemoine—" screamed, rather than spoke the advocate—"when—where—the name of the village?"

"La Hulpe," said the stranger.

"I am a murderer!" said S—, as he fell upon the pavement, the blood streaming from his mouth and nose; they lifted him up at once and carried him into the house; but the shock had been too much. The face of the

murdered Jean Labarte, as with stupid look, and heavy inexpressible gaze he started up from the dock, never left him after; and he passed his remaining days in Charenton, a despairing, broken-hearted maniac.

It subsequently came out, that poor Labarte, knowing that his master was threatened with an attack, had packed up all he possessed, and set out for Bourdeaux to procure a physician trusting, that from his precaution, no mischief could accrue in the meanwhile—one was unfortunately forgotten, and gave rise to all the circumstances we have mentioned.—*Edinburgh University Magazine, July.*

EXTRAORDINARY TRIAL AT PARIS.—A suit between M. de Pontalba and his wife, lately pending in one of the French Courts, is thus sketched in the *Monitor*:—

M. de Pontalba is one of the greatest proprietors in France. His son had been a page of Napoleon's, and afterwards a distinguished officer, aide-de-camp to Marshal Ney, and a protégé of the Duke of Elchingen. He married the daughter of Madame d'Almonaster, and for some time they lived happily; but on the death of her mother, Madame de Pontalba began to indulge in such extravagances, that even the enormous fortune of the Pontalbas was unequal to it. This led to some remonstrance on the part of the husband. On the morning after she disappeared from the hotel, and neither he nor her children had any clue to her retreat. At last, after an interval of some months, a letter arrives from New Orleans, in which she announces that she means to apply for a divorce; but for eighteen months nothing more was heard of except by her drafts for money. At last she returned, but only to afflict her family. Her son was at the military academy of St. Cyr—she induced him to clope, and the boy was plunged into every species of debauchery and expence. This effected in the deepest manner her grandfather, who revoked a bequest which he had made him of about £4000 a year, and seemed to apprehend for him nothing but future ruin and disgrace. The old man, eighty-two years of age, resided in his chateau at Mont-Leveque, whether in October 1834, Madame de Pontalba went to attempt a conciliation with the wealthy senior. Then and there occurred the most extraordinary and unaccountable scene that (though we had read one hundred French novels,) we have ever met with. On the 19th of October, the day after Madame de Pontalba's arrival, she found she could make no impression on the father-in-law, and was about to return to Paris, when old M. de Pontalba, at the age of eighty-two, observing a moment when she was alone in her apartment, entered it with a brace of double-barrelled pistols, locks the door, and approaching his astonished daughter-in-law, desires her "to recommend herself to God, for that she has but few minutes to live;" but he does not even allow her one minute—he fires immediately, and two balls enter her left breast. She starts up and flies to a closet, her blood streaming about, exclaiming that she will submit to any terms, if he will spare her. "No, no; you must die!"—and he fires his second pistol. She had instinctively covered her heart with her hand—that hand is miserably fractured by the balls; but saved her heart. She then escapes to another closet, where a third shot is fired at her, but without effect—and at last she rushes in despair to the door; and while M. de Pontalba is discharging his last barrel at her, she succeeds in opening it. The family, alarmed by the firing, arrives, and she is saved. The old man, seeing that she is beyond his reach, returns to his apartments, and blows out his brains. It seems clear that he had resolved to make a sacrifice of the short remnant of his own life, in order to release his son and grandson from their unfortunate connexion with Madame de Pontalba. But he failed—none of her wounds were mortal; and within a month Madame Pontalba perfectly recovered, in high health and spirits, radiant and crowned with flowers, was to be seen at all the fetes and concerts of the capital.