

and bruises in and upon the head, breast, back, belly, sides, and other parts of the body of him the said Frederick Eminaud, of which mortal strokes, wounds and bruises he then and there instantly died.—And further, That the said George Frederick Boutelier and John Boutelier did wilfully make an assault upon the said Frederick Eminaud, with a certain instrument of wood and iron commonly called a Tomahawk, which he the said George Frederick Boutelier in his right hand then and there had and held, and him the said Frederick Eminaud, in and upon the head of him the said Frederick Eminaud then and there did strike and cut, giving to him with the Tomahawk aforesaid, in and upon the head of him the said Frederick Eminaud, one mortal wound, of which mortal wound he the said Frederick Eminaud then and there instantly died; And that the said John Boutelier at the time of committing the felony and murder aforesaid, by the said George Frederick Boutelier in manner and form aforesaid, feloniously, wilfully and of his malice aforesaid, thought was present, aiding, helping, abetting, assisting, comforting, and maintaining the said George Frederick Boutelier the felony and murder aforesaid, in manner and form aforesaid to do, commit and perpetrate, &c. &c.

To this indictment they severally pleaded, 'Not Guilty;' and (upon a question put to them by the Court) having declared themselves ready to take their trial, the Court gave them notice that it would be proceeded upon the next morning at 10 o'clock; upon which they were taken back to the prison, and the Court adjourned to that time.

Wednesday, 4th of May,

The Court being opened, and the prisoners sent for, and set to the Bar, and informed of their right to challenge the jury, as they should come to the book to be sworn, and one Matthew Ernst only (who was upon the Sheriff's panel, and called) having been accordingly challenged by them, the following gentlemen were sworn:

Alexander McNeal,
Martin Minick,
John Meisener,

Christian Tanner,
James Dorcas,
Leonard Young,

B

John