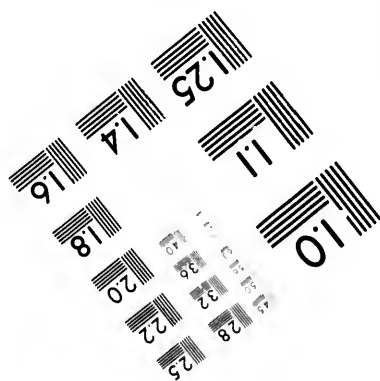
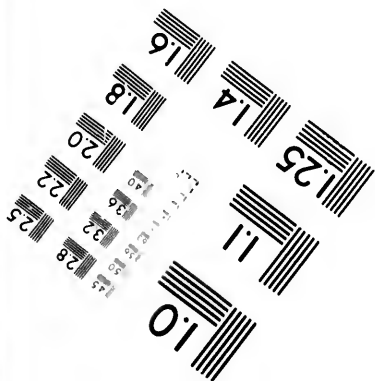
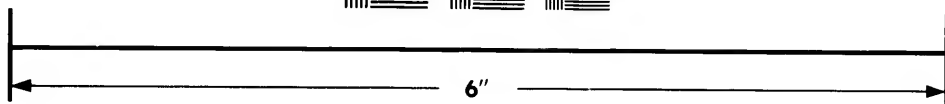
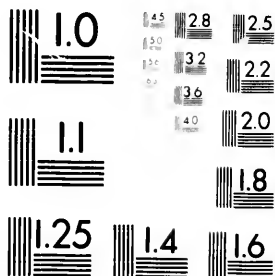


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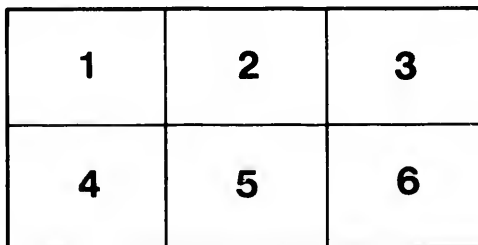
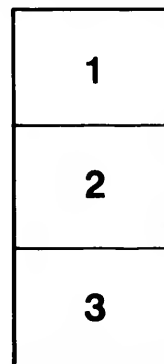
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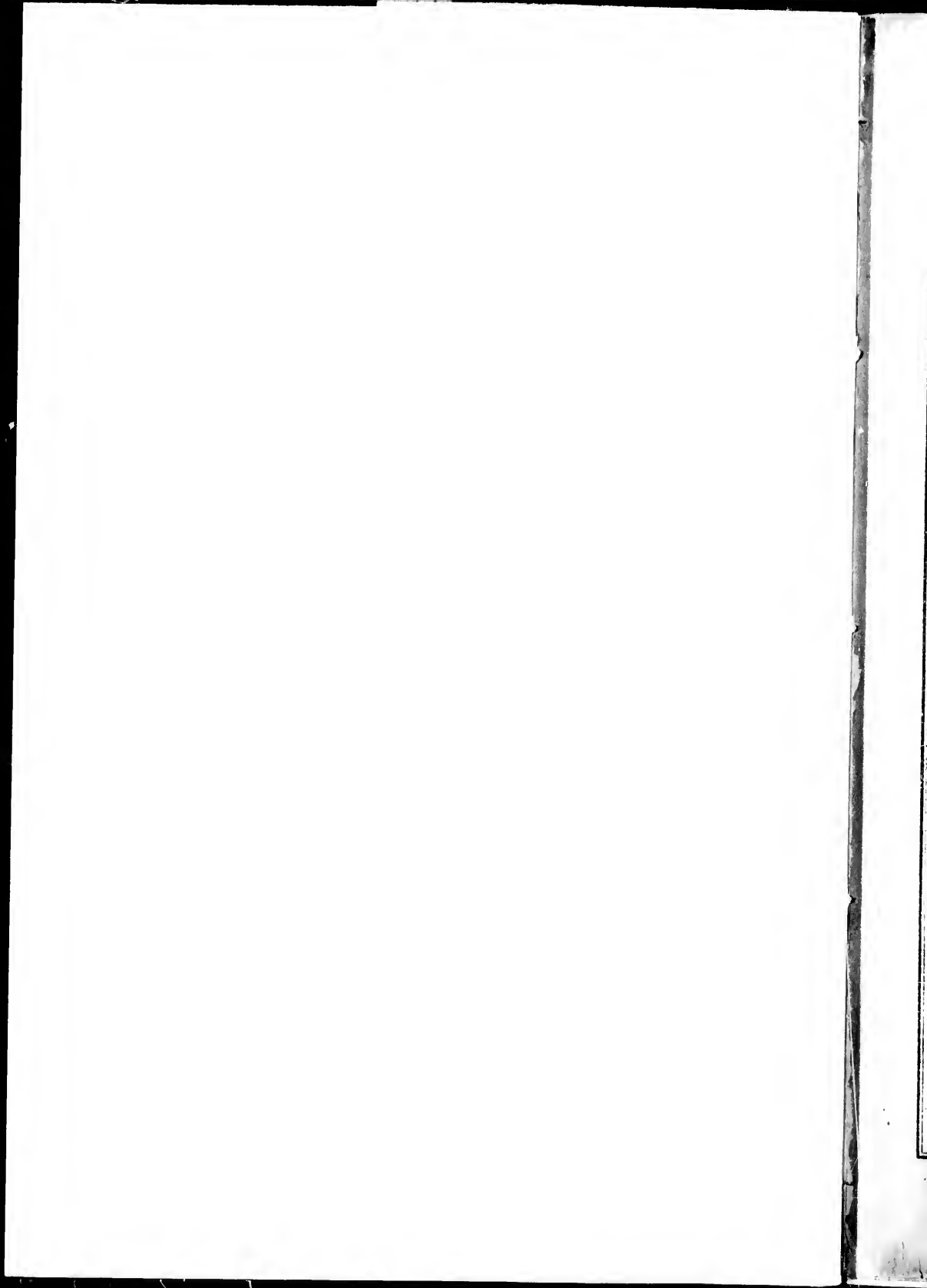
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DISTRICT OF ARTHABASKA. )  
PROVINCE OF QUEBEC. )

**R E P O R T**  
OF THE  
**PROCEEDINGS AND EVIDENCE**  
AT THE  
**TRIAL OF ELZEAR GUILLEMETTE,**  
*FOR MURDER,*

AT THE TERM OF THE COURT OF QUEEN'S BENCH (CRIMINAL SIDE),  
HELD FOR THE SAID DISTRICT IN  
FEBRUARY, 1870.



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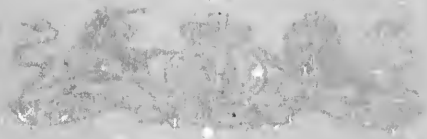
COMMISSIONERS OF THE GENERAL LAND OFFICE

IN

RESPONSE TO A RESOLUTION OF THE HOUSE OF COMMONS

PASSED ON THE 12TH MARCH 1870

1870



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1870

DISTRICT OF ARTHABASKA, }  
PROVINCE OF QUEBEC. }

# REPORT

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1870.



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THREE RIVERS, April, 1870.

SIR,—I have the honor to acknowledge the receipt of the letter of Mr. Under Secretary of State, dated 24th ultimo, accompanied by a petition of the Rev. J. Bonenfant and other priests and inhabitants of the District of Montmagny, praying for the commutation of the sentence of death pronounced against Elzéar Guillemette at the last Criminal Assizes of the District of Arthabaska, and requesting me, by direction of the Governor General, to furnish such observations as I should consider useful for the information of His Excellency.

In order to enable His Excellency to judge on the merits of the case, I transmit copies of the indictment, of all the evidence given during the trial, as well as of the Coroner's inquest, of a deposition taken by him as such, of depositions also taken by him as a Justice of the Peace, and of a letter read to the Juries, and referred to in the evidence, as well as of the sentence pronounced against Guillemette.

The principal depositions, in the absence of which there would have been no proof in support of the indictment, are those of Onésime Richard, of Marie Le Blanc, wife of Prosper Beauchêne, and of Philippe Blais. On reading those depositions, I admit that enough is shewn therein to justify the verdict of guilty; but after having seen and heard the depositions of those witnesses, as I have had the opportunity of so doing, I must declare that they have not inspired me with any confidence in their veracity.

Onésime Richard had all the appearance of a person bordering on idiocy; his gestures, his looks, his manner of expressing himself, his hesitations, indicated in him a mind, if not somewhat diseased, at least nearly so. There were with him pauses frequent enough and pretty long, which appeared to me as betokening a want of memory and a mind very little sure of what he was to say. I have several times tried to make him shorten them, but without always succeeding.

Marie Le Blanc, wife of Prosper Beauchêne, has, on the contrary, shewn much intelligence. There were also with her, however, pauses and stops frequent and very long, without being able to prevail upon her to make them shorter, in spite of my attempts to that effect. Timidity did not appear to me to be the cause of those frequent and very long pauses and stops: she had already given a deposition before a Justice of the Peace, and had even been heard as a witness before the Court of Queen's Bench at the Assizes of February, 1869; her voice was firm, her look bold, expressing herself very fluently when she wanted to speak, and the solemnities of justice did not appear to cause her any trouble. Was she so little sure of what she had to say that she was afraid to forget, to contradict herself, or to be contradicted? Had she told before the Justice of the Peace a story, which she was afraid not to be able to repeat correctly? Finally, why those pauses and stops which she could not be prevailed upon to shorten? Here, again, I must declare that this young woman has not inspired me with any confidence in her veracity.

Philippe Blais was nine years of age when the facts, which he pretends to relate,

happened. He deposes that the day before the fire, Guillemette told his wife "one of us shall perish this night; one of us shall take to the woods this night." Such expressions, if used by Guillemette, are of a nature to commit himself; but, on reading the deposition of Pierre Célestin Blais, one remains uncertain whether Guillemette has so expressed himself. This last witness was thirteen years old, (four years more than his brother Philippe Blais) and present when Philippe pretends that Guillemette made use of the above expressions. He proves first the same thing as Philippe, or thereabout; but, at the end of his examination, on being cross-questioned, and when re-examined, he admits having reported the matter to Barbin, as follows:—"If things continue that way," (speaking of wasting) "we must take to the woods;" and he adds that, when he spoke to Barbin, he had a better recollection of things than when he deposes in Court, and that what he has repeated to him was what Guillemette had said. This is confirmed by Barbin, a witness heard on the defence. These latter expressions are not in any way of a nature to commit Guillemette. It was saying in other terms, "If this wasting continue we shall be thrown into the high-way," that is to say, "obliged to beg." It is clear that the two children disagree; which has the better understood it is impossible to say. Besides, their memory fails them; they themselves admit that they do not always recollect, nor do recollect so well to-day as they did about the time of the fire and inquest; moreover, according to the depositions of Barbin and Anrêlie St. Cyr, they would have been schooled by their mother. I thought it proper to lay aside these two depositions, in so far at least as to what Guillemette had said to his wife. Having no confidence in the depositions of Onésime Richard, Mario Le Blanc, épouse de Prosper Beauchêne, and Philippe Blais, I have thought it my duty so to declare it in my charge to the Petit Juries, and to tell them, as I did, that I did not think the evidence sufficient to return a verdict of Guilty. If, therefore, the juries had shared my opinion, they would not have found Guillemette guilty, and he would now be at liberty.

The deposition of Narcisse Le Blanc can be of no value, except inasmuch as the depositions of Onésime Richard, Marie Le Blanc, and Philippe Blais are admitted as true, as he deposes on things happened in most part about fifteen days after the fire and the death of Guillemette's wife.

I think it therefore my duty, under the circumstances, humbly to submit to His Excellency, as my opinion, that Elzéar Guillemette ought not to suffer the pain of death.

As the judges are authorized by the Act of the Legislature of Canada 32 and 33 Vict., ch. 29, sect. 107, to adjourn the execution of a sentence of death, I request that you will be pleased to inform me of His Excellency's decision on this matter, so soon as it may be in your power to do so.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

A. POLETTE,  
J.C.S.

[TRANSLATION.]

PROVINCE OF QUEBEC, }  
 DISTRICT OF ARTHABASKA. }

COURT OF QUEEN'S BENCH.

*Criminal Term.*

THE QUEEN *v.s.* ELZEAR GUILLEMETTE.

INDICTMENT FOR MURDER.

FEBRUARY 21st, 1870.

A Jury composed of 12 persons, 6 speaking the French language and 6 speaking the English language, was sworn in. The indictment was read. Mr. Hamilton addressed the Jury in English on behalf of the Crown; Mr. Felton addressed the jury in French on behalf of the Crown.

*Evidence for the Prosecution.*

1. *Urgel Médric Poisson*, Physician and Coroner for the district of Arthabaska. I am Coroner for this district: I held an inquest on the dead body of the prisoner's wife. What I am now shown is the report of the inquest and the verdict of the jury (It is proposed to have the report of the inquest read to the jury. Objected to by Mr. O'Farrell. Objection dismissed and report read to the jury). The prisoner was examined before the jury. His signature is at the foot of the deposition and mine also. (The deposition of the prisoner is then read to the jury). I found the body of the wife of the prisoner on the south-west side of the house, and in the front part of the house within. (Witness shows a plan which he has just made showing the positions of the bodies, the stove, and the door). I also mark the position of the bed which I had seen sometime before. The house was about 18 x 20, built of logs. When I saw it at the inquest only ashes remained. The child nearest the mother was from 3 to 4 feet distant, and the other child 2 or 3 feet farther off. The body of the woman was about 5 or 6 feet from the window. The body of an animal was also found, said to be a dog. It lay between the bodies of the two children on the floor of the house. The prisoner was present at the inquest. I think he was dressed in gray cloth. He shed tears all the time the inquest was being held.

*No Cross-examination.*

Motion on behalf of prisoner that the Crown shall state what they propose to prove was the cause of the woman's death, supported by Mr. O'Farrell. Motion opposed by Mr. Hamilton, and dismissed.

2. *Edouard Molesté Poisson, Esq.*: I am a Physician and I know the prisoner. I was required to be present at an inquest held at his house (a plan is shown to the witness). This plan is correct and is that of the prisoner's house. The stove was placed opposite the door. I knew the house before it was burnt. I had been called ten or twelve months before to attend the wife of the prisoner in her confinement. The inquest of the coroner was held on the 25th September, 1868. There were three dead bodies on the floor of the burnt house. The dead body of the woman was 5 or 6 feet from the front of the house inside, between the door and the window, at about one-third of the length of the south-west gable of the house, 5 or 6 feet from it. The youngest of the children was in the south-west corner about 10 feet from its mother, and the eldest was about

2 feet from its mother, between her body and the stove, on the north-side of the mother. I also saw the body of a dog pretty thoroughly burnt, as were the bodies of the mother and children. It lay between the mother and youngest child. I examined the body of the woman and was able to discover the sex, and that it was a woman. It rained on that day. The inquest was held at the house of David Guillemotte, brother of the prisoner. I do not think the body of the woman was at the place at which the bed had been. The door of the house was on the south side. I know that there were three windows, one to the north, one to the north-east, and the other to the south. I do not know whether there was a window on the south-west side.

*Cross-examined* (the witness explains the plan to the jury): The smoke acting on the lungs produces oppression and at last suffocation. It also acts on the brain. When the lungs are so acted upon by the smoke the brain is also affected by it, and disorder of the brain produced; smoke when it is thick produces insensibility. It is so long since I studied these matters that I am not prepared to give an opinion. When a body is burnt there is a tendency to crack and to part asunder. I was examined at the coroner's inquest. The position of the bodies did not cause me to suspect that a crime had been committed.

*Re-examined*.—I have not practised much as a physician for a number of years. I am not prepared to give an opinion on what is asked of me.

3. *James Goodhue, Esq.*: I am a merchant in the village of St. Christophe (he is shown the report of the coroner's inquest). I recognize my signature at the end of that report. I was foreman of the jury. I know the prisoner. I saw him at the inquest. During the time the jury were occupied in a room, the prisoner was in an adjoining room. He was concealed from the jury at the time. We frequently heard him lamenting, crying as if he was deeply affected. When his name was called by the jury, he came forward and answered his name. He gave his evidence before the jury. He seemed to labour under some excitement at the time. He trembled a good deal.

*Cross-examined*: From what I saw I formed no opinion as to the prisoner's innocence or guilt.

Court adjourned until next day at 9.30 a.m.

February 22nd, 1870.

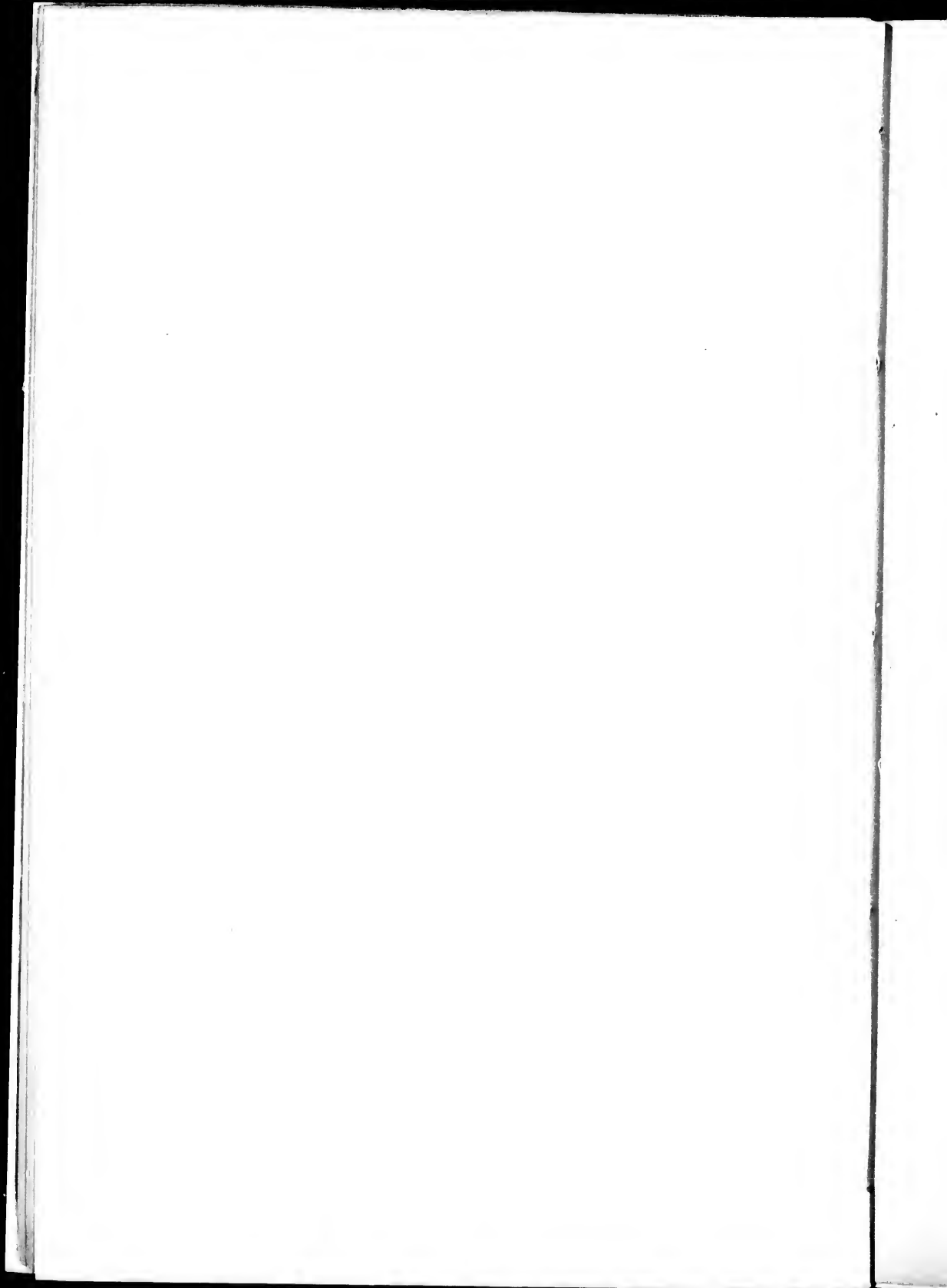
9.30 a.m. Proceedings continued.

4. *Charles James Powell*: I know the prisoner. I am Deputy-Sheriff of the district of Arthabaska. I know the prisoner's house. I live about 2½ arpents from it. I was living there in Sept. 1868. I was thoroughly acquainted with the house. I prepared the plan which is now shewn me, and to the best of my knowledge it is correct. It was a log house, about 18 × 20 or 20 feet square. I well remember the night on which the prisoner's house was burnt. About 10 or 10.30 p.m. of the night on which the house was destroyed, I went out. The night was very dark, and the weather calm. I then went to bed. I was aroused at about 3 or 3.30 a.m., by distant cries which I heard. I got up and observed a brilliant light, and drawing aside the curtain of my window, I saw the prisoner's house in flames. I dressed with all haste, and started to render assistance.

The wife of Celestin Blais knocked at my door and told us that the wife and children of the prisoner were in the burning house. I went at once to render aid. Arrived at the house, I approached the door which was open, and saw the inside of the house all blazing like a furnace. The stove which was visible was red hot, and the pieces of it put out of shape by the heat. Only flames could be seen inside the house, and no smoke. I saw two windows which appeared to be open, one on the same side as the door, and the other facing the road. The door was wide open. The windows I believe, opened from within. The heat of the fire prevented me from going near, and I could not observe whether the windows had been forced in. I went there with my brother. I observed the prisoner about 40 feet from the house motionless, and leaning against the garden fence. I do not think more than 10 minutes elapsed from the time I heard the alarm, before I reached the

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spot. It was raining at the time. I cannot tell when the rain begun, but the ground was saturated with moisture. There was no wind. The prisoner cried out from time to time, "Look for my wife, look for my children." He was dressed in his trousers, socks, and flannel shirt. When I reached the house it was impossible to get into it. It was like a blazing furnace. The prisoner did not come to wake me at that time to give the alarm. That night my dog ran barking towards prisoner's house, he was barking violently, it was that that made me go out about 10 or 10.30 p.m. On that night the prisoner's dog was outside his house. The prisoner had sold me the land and house. He occupied the house and was to deliver it up on the 30th September. He had delivered up the land. (Witness reads the deed executed in his favor by the prisoner.) I paid the prisoners as follows: \$50 in cash, and the rest in notes. I had paid some of these notes. Only one note remained due, payable in July next. I knew the prisoner's wife, I knew he had two children, but I only recollect the eldest. The prisoner and his wife quarrelled a good deal. I have often heard them abusing each other. There was a sort of cellar, about 3 feet in depth. I cannot say whether the floor of the house was burnt when I arrived. I went home and went to bed. In the morning I went to the place and saw what appeared to be the dead bodies of the persons burnt inside the house.

*Cross-examined:* I heard the prisoner's wife's voice most frequently when they quarrelled. The prisoner is a good-natured man (bon garçon). The wife's temper was not so good as the prisoner's. My own impression is that the wife got up the rows; but I was not in the habit of visiting the house. I always thought that the prisoner bore his wife's bad temper with much patience. The youngest of the children was like his father, the prisoner, and there was a great likeness between them. One or two of the notes, which I had given as the price of the land, were presented to me before the burning of the house, and I paid them. I have since paid a note of \$100 to one of the prisoner's counsel, and the prisoner's father has given me a guarantee on his land that I should not be troubled in respect of that note which has neither been delivered or presented to me; but which, as I have just said, I have paid. The house was built of logs, partly squared, and principally of cedar. Cedar burns well when it is dry. What composed the house was dry; but it must have been drier on the inside than the outside, for it was raining on that night. When I heard the barking of the dog, I thought there was a row in the prisoner's house. Since prisoner and his wife were at Wotton they disagreed more than ever. When I heard the barking of the dogs I went out into the middle of the road and listened attentively four or five minutes, to ascertain whether there was any disturbance in prisoner's house; but I heard nothing but the barking of the dogs. I went home, and to bed. I still heard the dogs barking, but did not go out. It sometimes happens that dogs bark all night without any apparent cause. When I went out about 10 or 10.30 p.m., I went into the middle of the road. This did not bring me sensibly nearer to prisoner's house, but I was able to hear better. I was about 2½ arpents from the prisoner's house.

5. *Celestin Blais*, of St. Christophe: I am a farmer. I know the prisoner; I also knew his wife and children. I know the house well (he is shewn a plan; he shews how the interior was arranged, and the position of the beds.) The stove was nearly in the middle of the house. There was a window in each wall. The house was about 18 feet by 20 feet, of cedar logs, squared on two faces. The windows were 3 or 4 panes in height, and 4 in breadth; I did not measure them. There was no partition in the house. During the night of the 24th and 25th September, 1868, the house in question belonging to prisoner was burned. I am the second neighbour from the prisoner, whose brother, David Guillemette, resides between him and me. I resided about 3¼ or 3½ arpents from prisoner's house. It rained that night. I generally go to bed between 7 and 8 o'clock. On the night of the fire, when I went to bed, a fine rain was falling; it had rained for 4 or 5 days. I woke about 2 or 2.30 a.m., and it was raining at that time. I was aroused by cries which I heard. These cries resembled those of a person in distress. I woke up before my wife, and saw a bright light through the window. It was the house of the prisoner which was on fire. I dressed myself in haste, and



went as quickly as possible to prisoner's house. On arriving there I saw the prisoner alone: he was lying on the ground, and appeared in great distress about his little children. I told him to get up, that he might kill himself as the ground was wet. I asked him where was his wife? and in reply, he said "Save my wife!" My wife asked prisoner where his wife was, and he told her that she was in the fire, and was burnt. I was the first who arrived at the fire, and the fire was then so strong that the house was about to fall in. Almost immediately after the roof fell in. The fire was inside the house. I cannot say whether the fire began on the inside or outside of the house, for when I arrived the house was enveloped in flames, and it was impossible to ascertain whether the fire had begun inside or outside. I live near to the road. I was woken by the cries of the prisoner. I first heard one cry, and seven or eight minutes after I heard more shouting. It was then that I got up and went to the prisoner's house. He was still shouting, and it was the same voice that I heard the first time. When I arrived, the window near the door, and in the same wall, was open. The door was wide open. I do not think there were any hinges to the window. I think the windows were held in their places by nails. I did not get near enough, on account of the heat of the fire, to observe whether the glass had been broken. I know the position of the beds. I saw the dead body of prisoner's wife near the place where a bed had been; near enough to have slipped off the bed. I had seen them sleep before in a bed in another part of the house. The body might have been from 10 to 11 feet from the bed in which they were in the habit of sleeping. The bed near which I saw the body was nearer the outside door than the other bed. I used often to see prisoner before the fire. During that summer prisoner used to wear trousers of country linen when at his work, a shirt of grey country stuff, and beef mocassins (*bottes sauvages*.) When I saw him on the night of the fire he had on gaiter boots, his Sunday boots. Generally speaking the prisoner wore, on Sunday, trowsers of country cloth dyed black, and coat of the same material, and a waistcoat of grey cloth. On Sundays, when the weather was fine, he wore a coat (*surtout*) of cloth, such as is bought in town shops. I saw him at the burial of his wife; he then wore trowsers of country cloth, and an overcoat of pilot cloth. I had seen the prisoner wear this overcoat before. It was a long overcoat such as is worn in winter. After the fire I saw the prisoner during the week wearing a grey waistcoat, which I have seen him wear before the fire. The prisoner had two sets of harness. On the day of the fire I remained about the place until about 11 o'clock in the forenoon. His best set of harness was in the carriage (*voiture*), which was in the milk-house. I saw the prisoner on Sunday night after sunset and the day following. After that I did not see him any more. He had gone away. It was about two or three weeks after the burning of his house that I saw the prisoner on the Sunday evening. I do not know whether the prisoner and his wife agreed well together. I know Marie Le Blanc, wife of Prosper Beauchérie.

*Cross-examined.*—I have been several times into prisoner's house. The joints were filled in with mortar, and the walls were papered. There was no chimney in the house, the stove-pipe passed through the roof. I have been in the garret of the house. The roof was covered with boards and shingles. It was slightly damaged at the North end. Four or five days before the fire the weather had been raw, rather cold and cloudy, and it had rained. It sometimes happens that the harness is left in the vehicle especially when you arrive late. I cannot swear that the overcoat which the prisoner wore at the burial was the same which I had seen him wear before. I think it was the same. I should have no doubt whatsoever, if this were not such a serious matter.

6. *David Guillemette.*—I am the prisoner's brother. I am a farmer and reside at St. Christophe, I was the prisoner's neighbor. I know the situation of his house. The distance between his house and mine is two or three arpents. I resided to the south-east of his house. Sometime about Michaelmas I remember the burning of the house. It was raining a little at the time. The night before, the weather had been fine but betokened rain. About midnight my wife awoke me and I observed that it

was beginning to rain. I looked out towards the prisoner's house and all was then quiet. I returned to bed. My neighbor Celestin Blais aroused me crying "Au feu." I forthwith went to the place, the house was then in a blaze, and it was impossible to get in. The windows were open and the door partly open. The flames were bursting out. I saw the stove inside the house through the window; it was beginning to get red hot. On arriving I saw prisoner near the fence near the house, lying in the water and mud, crying out and calling for his children. A woman who was there said "When one thinks they are all in the house, the people of the house!" I asked her where the prisoner was, and she said "He is there," showing me him. I did not recognise him. I asked him where his wife was. He replied that he did not know, and told me to try and find out where she was. He was in great distress about his wife and children. I asked him how he had escaped. He told me he was lying down near the stove when the smoke awoke him and stifled him, and that he had rushed out calling to his wife to save herself, and that he had gone towards Mr. Powell's house to rouse him up. He was lamenting the loss of his children and property, and begged of us to go and look for his wife. Blais and I and another went round the house outside to see if we could find his wife. As we approached the place where the bed was, I said to Blais that we ought to pull down that side of the house to see if she was in her bed, and he said that we two would not be able to do it. The other person had gone. The prisoner came to my house once on the eve of his departure for Wotton. He asked me to lend him my vehicle. My wife said to the prisoner "There seems to be considerable discord (que ça founaillé) between your wife and the little girl Marie Le Blanc." He drooped his head saying there had been something between them. My wife said to him "It seems that your wife took the tongs to beat the little girl." The prisoner lowered his head, and at that moment his wife called him "Elzéar," and he went away. Marie Le Blanc lived with the prisoner before the fire. After the fire the prisoner went away. The conversation that we had had was to the effect that he had been informed that he was to be arrested. His brother-in-law Gendreau came to my house, to tell him but he addressed himself to me. I warned the prisoner of it, and then Gendreau joined in the conversation. I told the prisoner that from what Gendreau had said to me, it appeared that Narcisse Leblanc had made a deposition against him with a view to his arrest. The prisoner didn't seem to think much of it. Gendreau then told him that he had come to warn him that he was to be arrested, and advised him to make his escape. He replied that he was not guilty, and that he would not run away. I told him that it would be better for him to go away, and added "If you are taken, you will stand a trial, and that is a disagreeable thing. If you go away your trial will take place, and if you are found guilty you will be out of the way, and if you are not, you will come back." We forced him to go. He said he had no money. Gendreau told him that he must start in the night and walk during the night. After the prisoner had made up his mind to go, I said to him "Gendreau will lend you some money." He did not wish to start at night, and he said "You must come and drive me in my own vehicle." I did so, and we started at dusk. We stopped at Richmond until day, and reached Sherbrooke at noon, and we remained there some time. At starting the prisoner told me to write to him and tell him what might happen. He returned by the cars and went to Berthier en Bas to his father's house. I know the clothes which the prisoner wore before the fire. I have seen the overcoat of thick cloth which he wore on Sundays. When the prisoner was not travelling, he kept his overcoat in the garret. After the fire I saw the overcoat. On the morning of the fire I went to the barn, I lifted the cushion of his vehicle and saw the overcoat folded up beneath it. I know the clothes which he used to wear. He had a waistcoat of country cloth. I lifted the seat of the vehicle and I there found a pair of trowsers and a waistcoat. He had a better overcoat for fine weather, and took it with him to Wotton. He had only one pair of fine boots and one pair made of thick leather for working. The prisoner was at the burial of his wife and wore his pilot cloth overcoat, and I think he wore the trowsers which I had seen in his vehicle. When I saw the prisoner at the fire he was wearing his Sunday boots.

*Cross-examined*: The trowsers which he wore at the burial were of grey country cloth. Before the fire, prisoner had trowsers of black cloth and a cloth coat and they are burned. They were his best clothes. Before the fire prisoner had not the waistcoat and hat which he wore at the burial. He had had the waistcoat and a cap, and the prisoner changed that cap for a hat, which he got from my son. In travelling, overcoats like the one which I found under the cushion of his vehicle are used. It sometimes happens that on returning from a journey, clothes are left in the vehicle. He placed the harness on the front part of his vehicle which he took into the barn. I think that prisoner remained about three weeks in the United States. When he set out for the States he had no longer any residence here, and when he went to Berthier, he went to his father's house. I have often seen the prisoner's house. One part of the roof was in bad order. There were no shingles on it, and the stove pipe was bad. Gendreau who advised the prisoner to go to the States is his brother-in-law. He was prisoner's wife's brother.

*Re-examined*: When I reached the fire, flames were coming out through the roof at the place where the stove pipe passed. It was plain that the fire had begun inside. The stove pipe was in the hole of the roof when the fire was coming out.

7. *George Powell*: I reside at Babsplain in the County of Stanstead. I was living with my brother, neighbor to the prisoner, at the time of the burning of prisoner's house. I was awakened by the barking of dogs about midnight. At that time all was quiet at prisoner's house. The weather was cloudy and there was appearance of rain. About 3 a.m. having heard cries, I went out a few minutes after, and went to prisoner's house. The house was in flames, I observed the stove in the house, at that time it had not been damaged by fire. I arrived about two minutes before my brother. Célestin Blais was already there, and I arrived at the same time as David Guillemette.

*Cross-examined*: At the time of the fire I was living at my brother's house.

8. *Esther Paradis, wife of Célestin Blais, a witness already examined*: I reside the second neighbor from the prisoner. I knew the deceased wife of the prisoner well. They agreed tolerably well. I can remember three quarrels between the prisoner and his wife, in the space of two or three years. The last, was eight days before the fire, in relation to Marie Leblanc, I did not hear the whole of it. I heard the prisoner say to his wife, "Go into the house." He appeared to love his wife in a certain kind of way. Being timid, I sometimes went to sleep at the prisoner's house with his children. Prisoner had an abrupt manner with his wife. I observed that prisoner's wife had great difficulty in getting in water and wood. I did not remark that prisoner neglected to provide for the wants of the house. I arrived second at the fire. My husband arrived the first. My husband awoke me about 3 or 3.30 a.m. About ten minutes after, I was at the fire, when I saw the prisoner lying in front of his door alongside the fence with his hands over his face. He was crying out "My little children, my little children!" I asked him where they were, and he replied "They are in the burning house." I asked him "Where is Henriette?" (his wife.) He said "She is in the burning house." I said "Is it possible? How is it that you did not save them?" He said "I got out, and tried to return but it was impossible." I said "Is it possible? Poor woman she is burning." The prisoner said "Save my wife."

*Cross-examined*: I have sometimes heard prisoner quarrel with his wife. (The counsel for prisoner asks to have read the deposition of the witness taken before the Justice of the Peace; does not press his application. No further cross-examination.)

*Océisme Richard*: I know the prisoner, and I knew his deceased wife, when I lodged with them the week before the fire. There were in the house, the prisoner, his wife, and Marie Leblanc who was engaged with them. On Thursday night Marie Leblanc said that she wished to go to Wotton. Prisoner had to go to see some lands at Wotton, and she wished prisoner to take her on his way to see her sister. The wife of the prisoner said that she had as much business to go there as Marie Leblanc, and the latter said that she had as much business as the other to do at Wotton. Prisoner started with me to draw two loads from his house, to the house of Narcisse Leblanc. The wife of prisoner did not wish to

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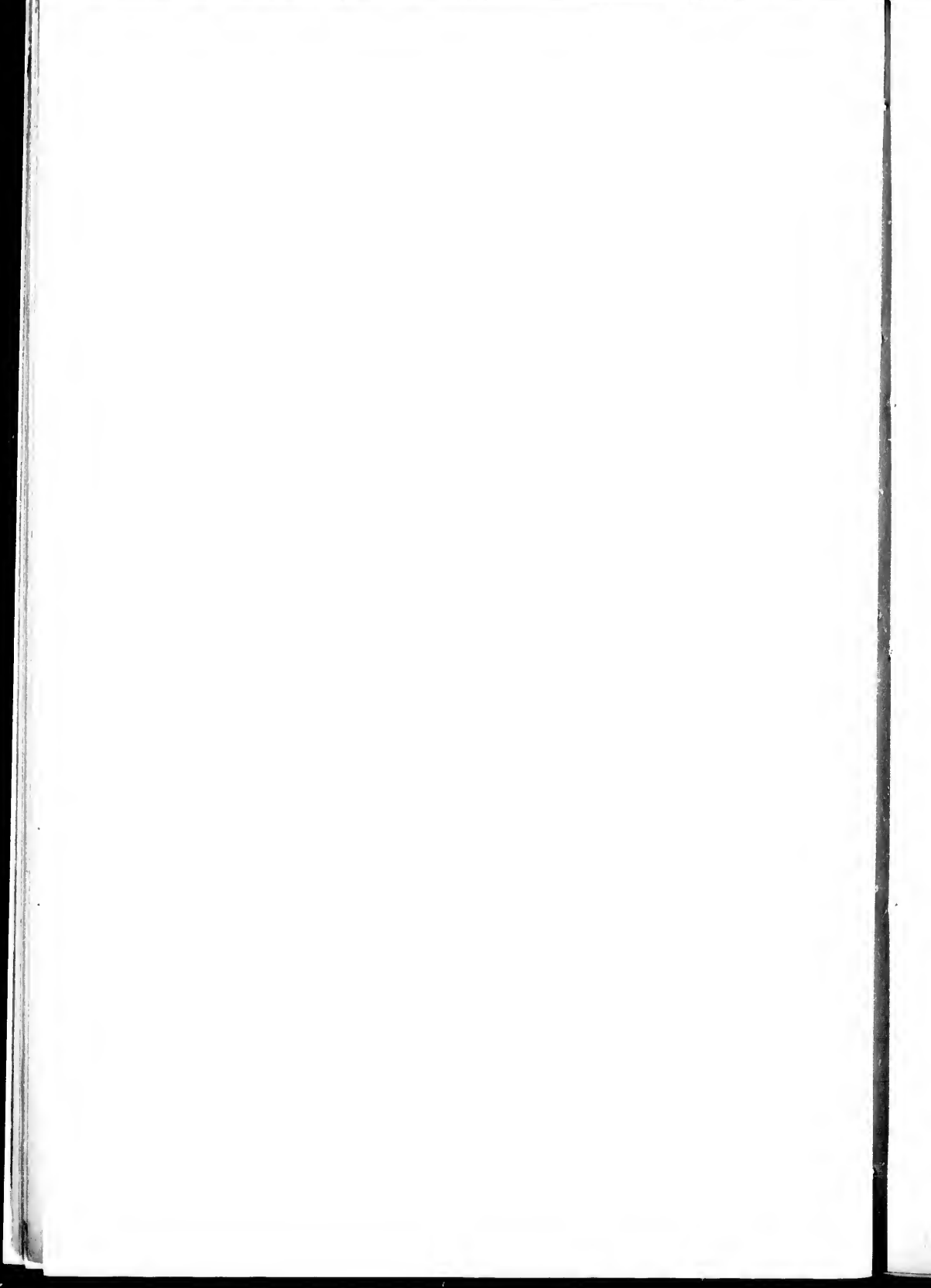
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go to live at Wotton, and prisoner was anxious to go to see lands at Wotton, with a view of buying some if they pleased him. He said to his wife, that he had brought her to Wotton, and that she did not wish to go and see the lands. The prisoner and I returned on Friday with two loads, and it was afterwards, on Friday morning, that a quarrel took place between prisoner's wife and Marie Leblanc in the presence of prisoner. Marie Leblanc came crying, and saying that Madame Guillemette had put her out of doors; that Madame Guillemette had desired her to wash, but that as she (Marie Leblanc) was sick, she did not wish to do so, and on that account she (Madame Guillemette) had put her out of doors. Prisoner said, "You can't make a sick girl work." Madame Guillemette said, "If you choose to take the part of strangers, do so." The prisoner said, "I see how it is, Marie Leblanc," and said to her, "You are engaged and you will complete your time." It was after Madame Guillemette called Marie Leblanc a "little wh—e" that prisoner said to Marie Leblanc that she was engaged, and she should complete her time, that the wife said to me at the same time, "See how they treat me." When Madame Guillemette called Marie Leblanc a wh—e the latter said, "not more wh—e than you are." I have not been examined in court before. On Friday night Marie Leblanc was sitting in the house, the prisoner was nearest to her. Prisoner was sitting before the door of the stove. Marie Leblanc had one knee on the ground and one of her hands on prisoner's knees. Madame Guillemette was then seated on a box behind the stove. It was whilst Madame Guillemette and Marie were quarrelling that the latter had her hand on prisoner's knees. *Examination adjourned till to-morrow at 10 a.m.*

23rd Feb. 1870, 10 a.m.

9. *Onésime Richard* (continues his evidence): At the time of the fire I had been living at Wotton since the last Epiphany. I reside near Oxton, United States. I saw prisoner at Wotton. I left for Wotton the Saturday before the fire, and on the next Saturday forenoon the prisoner came to my house at Wotton and remained there five days. When the prisoner came to my house the following persons were there, viz: Narcisse Leblanc, Marie Leblanc, Delina Leblanc (my wife), my mother, and myself, and the children of Narcisse Leblanc. Marie Leblanc had arrived on the Saturday evening of the week before the fire. Prisoner came to my house the Sunday following. Prisoner, when he arrived, said that he had been to see the lands. He asked Marie Leblanc if she would come and finish her time. He wished to take her back to finish her time. In the morning prisoner was going to see the lands of Mr. Peacock. It was during the Retreat. Marie Leblanc, my wife and mother wished to go to the Retreat. We had no vehicle; the prisoner said you can come with me in my vehicle as far as the church. They entered the prisoner's vehicle and he took them to the church. Prisoner and Marie Leblanc appeared to like each other. Prisoner appeared to be very fond of Marie Leblanc, and he came back alone with her in the evening. It was dark: it must have been, I think, about seven or eight o'clock in the evening. I went to the door when they arrived. I said to prisoner, "You have arrived 'en cavalier;" and the prisoner replied "I think fifteen days hence I shall be your brother-in-law." I asked him how he could become my brother-in-law in fifteen days; and he said that in view of the sickness of his wife he did not think she had fifteen days to live. I asked him what disease his wife had; and he said, "You know as well as I." I had observed at that time that his wife had a bad toothache. She appeared very much pulled down, and I think that she she had a serious illness. I did not observe that she had any other illness. Seeing that she was very much distressed and had a bad toothache I concluded she had a serious illness.

*Cross-examined*: When in my examination in chief, I spoke of quarrels, it was always the wife of prisoner who had begun. I never saw prisoner strike or push his wife. Prisoner only said, "I see how it is you are going to finish your time" speaking to Marie Leblanc. Marie Leblanc did not start with me for Wotton, when the wife of prisoner put her out of doors. She came to tell me her reasons. Marie Leblanc came to Wotton on Saturday. I also arrived there on Saturday with a little sister-in-law of mine,

and not with Marie Leblanc, and when I arrived at Wotton I then found Marie Leblanc, who had come there with her brother Narcisse Leblanc. When I was at prisoner's house, I went to Narcisse Leblanc to get two loads which I brought to prisoner's house on Friday. I stated yesterday, that I had arrived at prisoner's house on Friday morning,—that we went, the prisoner and I, to get two loads at Narcisse Leblanc's. During the time that I was at the prisoner's house, his wife said that she would not go to Wotton, she quarrelled with her husband—the prisoner—nearly the whole time. Prisoner appeared to agree well enough with his wife. I was joking when I said to the prisoner that he was arriving “en cavalier,” when he came back with Marie Leblanc. I laughed at the time. I do not remember that I then saw prisoner embracing Marie Leblanc. During the evening, prisoner took Marie Leblanc on his knee, and I do not know what Marie Leblanc then said. When I saw Marie Leblanc on prisoner's knee, I told my mother, who went and told her to get off. Marie Leblanc was sitting quietly on prisoner's knees, making no resistance. When I told my mother that Marie Leblanc was on prisoner's knee, my mother signed to Marie Leblanc to come to her. She came. My mother spoke to her, and Marie Leblanc went into the room to go to bed. This had happened in the kitchen. On Friday night at prisoner's house, prisoner was in front of the stove, Marie Leblanc had one knee on the ground near the prisoner, and her hand on prisoner's knee. The wife of the latter was behind the stove. Marie Leblanc had one knee on the ground and was looking into the stove. She was not sitting. I am quite certain that she had one hand only on prisoner's knee. She had not her elbow on prisoner's knee. I have already been examined at the inquest. (The witness withdraws) and

*Urgel Mederic Poisson, J.P.*, is called and examined: I observe a deposition given by Onésime Richard, who has just been examined. He made this deposition before me as J. P. The deposition was read to Onésime Richard, to the best of my knowledge, and he affixed his mark to it in the shape of a cross. The deposition contains his expressions as nearly as possible.

*Onésime Richard* re-called and his examination continued. (The deposition proved by Urgel Mederic Poisson is read to the witness Onésime Richard): I have heard my deposition read, and when I read it I was under oath and that oath obliged me to tell the truth, the whole truth, and nothing but the truth. I stated at the time all I knew. I think I stated at the inquest before the Justice of the Peace all that I have stated here. I have stated here that Marie Leblanc was seated on the prisoner's knee at Wotton, because you had asked me as to the fact. Two gentlemen from Arltmbaska came to hold the inquest. I remember that I said this morning that Marie Leblanc had placed her hand only on the prisoner's knee, and not her elbow. It seems to me that before the J.P., I said that Marie Leblanc had placed her hand on the prisoner's knee. I cannot say at what hour the Retreat finished on that day.

*Re-examined*: I went to the Retreat but I came back before it began. When Marie Leblanc placed her hand on prisoner's knees, I think it was because she was afraid at the quarrelling of prisoner's wife. Prisoner had two overcoats at Wotton, one black and one grey. He had grey trousers and gaiter boots. The grey overcoat was of country cloth.

10. *Marie Leblanc*: I am the wife of Prosper Beauchéne. I know the prisoner. I knew his wife and children. I was living at his house in 1868. I lived there two months less 8 days. Prisoner's wife enjoyed very good health. She only complained of toothache. I left them on Saturday at noon to go to Wotton, at which place I arrived with my brother Narcisse Leblanc. Prisoner and his wife did not agree well together whilst I lived there. Their quarrels related to the bargains made by the prisoner. When I left the prisoner's house, there was a quarrel between him and his wife, and I think it was in relation to me. When Onésime Richard arrived at prisoner's house, the latter had decided to go and see the lauds at Wotton. I then asked the prisoner whether, if there was nothing to do, I might go to Wotton and see my sister? He replied, that if there was nothing to do, I might go with him, if I liked. Thereupon the wife of prisoner said, “It is not you that will go, but I will go.” The prisoner said to his wife “you will not come with me and play me the trick you did the first time. The first

time I took you to Wotton, you did not give me time to go and see the lands." The wife of prisoner thereupon said "yes! I will go with you and see the lands." Thereupon I said to her that if she was going to Wotton she might look out for another girl, that I was'n't going to stay here to be abused (*manger de bêtises*.) It was on Friday night. All that I can recollect is, that the prisoner's wife said to me, I was engaged and should finish my time. I do not recollect all that then took place, it is so long ago. I know that Onésime Richard was proposing to take me to Wotton to live with him. The prisoner's wife had insulted me, she told me that I was a slut, a bitch, and a wh—e. As far as I can recollect, I told her that if I had so many bad qualities I had better go away. During the day that Onésime Richard was at our house for the purpose of taking a load, prisoner's wife was wrangling with me, because I had said in the morning that I wanted to go to Wotton. During the day she was quarrelling with me, I washed my linen, and after having finished, I put away the tubs; thereupon prisoner's wife said "There are still some dirty clothes upstairs." I said to her, "I don't intend to wash your clothes, I have finished my time." As far as I can recollect, she said that I had been engaged for 2 months, and I should finish them. I went out of the house. At that time prisoner had gone with Onésime Richard to my mother's to get a load. Prisoner and Onésime Richard set out on Friday morning to go and get the loads, and returned in the afternoon of the same day. The cause of the quarrel between the prisoner and his wife, after the arrival of the prisoner, was the journey to Wotton. When prisoner came back with his load he said "It was I who engaged her and she will remain." I do not recollect prisoner's wife said anything in reply, prisoner and his wife quarrelled frequently, not a day passed that they did not quarrel, I never quarrelled with prisoner's wife except on that night. I never quarrelled with prisoner, we were good friends. The next day, just as I was leaving, prisoner's wife said to her husband, "If you like anybody better than me, they will not remain here," That was the first time she ever spoke in that style. On Friday night, when Onésime Richard was at prisoner's house, I was there also. I was sitting near the stove. Prisoner, and prisoner's wife and Onésime Richard were there. The prisoner was sitting near the stove, at the distance of three feet from me, near enough to touch him, prisoner was sitting on a chair and I was sitting on the ground near him. Prisoner's wife was then sitting beside her husband. Onésime Richard said, "Madame Guillemette and Marie shake hands, both of you," thereupon I got up placing my left hand on prisoner's knee, and I held out my right hand to Madame Guillemette and we shook hands; after having shaken hands with Madame Guillemette, I went and sat at a greater distance. When I left prisoner's house, I went to Wotton to my sister's. I left prisoner's house on Saturday at noon, with my father who took me to Onésime Richard's at Wotton. Prisoner was in the habit of putting his Sunday harness in the garret when I lived there. He had a black overcoat, but I cannot say of what kind of cloth. When I lived there, he did not wear it. It was hung up in the garret. During the week, he wore linen trowsers, and slippers (*savattes*). On Sunday he sometimes wore black trowsers and waistcoat and gaiter boots, beside that, he had trowsers of grey cloth and a waistcoat of country cloth. There was no partition in prisoner's house. I left St. Christophe on Saturday, and on the next day, Sunday, I saw prisoner at Wotton. He came to Onésime Richard's house. As far as I can recollect prisoner was dressed in grey country cloth. He remained there three or four days, he had brought with him his black cloth clothes. At that time there was a Retreat of three days at Wotton. I went to the Retreat with my sister and the prisoner, my sister is the wife of Onésime Richard. The service ended about 4 o'clock in the afternoon. The Church at which the Retreat was held is three or four miles from Onésime Richard's house. In the evening I returned to Onésime Richard's alone with the prisoner. He arrived about dark. It was on Wednesday. I milked the cow at Onésime Richard's. The first time I milked the cow, prisoner came to look for his horse. He spoke to me. I was milking the cow, and the prisoner came and sat on a stone and asked me what means he should take to get rid of his wife. I asked him what he was thinking about to put me such a question as that. Thereupon he told



me he was thoroughly upset, that whenever he went home his wife quarrelled with him. Prisoner said that before fifteen days thence, he would find some means of getting rid of his wife. I then told him to go back to St. Christophe and come to terms with his wife. I remember well what prisoner said but I cannot repeat it in the order in which he said it. He asked me whether, he became a widower if I would take him, to the best of my knowledge, those are his very words. He told me that he would try to find means to get rid of his wife. He said this to me whilst I was milking the cow, and he told me the same thing when he was going away. When he asked me if I would take him if he became a widower. I answered "How can you make a proposal like that to a young girl like me." I do not recollect to have said anything else in reply to him. The prisoner began to cry, and said no more. Prisoner said that in view of the disease which his wife had, she would not live to be old. I then said that she was not ill, and prisoner then said she had toothache.

*Question:* When you told prisoner to make terms with his wife, what did he say in reply? *Answer:* I think prisoner said that before fifteen days he would get rid of his wife. (The Court warned the prisoner to take care what she said, and asked her if she was positive prisoner said so). She replies that she is certain that he said that before fifteen days he will get rid of his wife. When I told him to come to terms with his wife, he told me it was impossible, that his wife was too ill tempered. (The Counsel asks the witness when it was that prisoner said that he would get rid of his wife, whether he said it by himself or in reply to a question which she put to him). She replies that she does not recollect. (The counsel for the crown asks the witness whether, beside those three observations which she had stated that the prisoner had made, that he would get rid of his wife in fifteen days,—asking her if she would marry him, if he became a widower, and—that in view of the sickness which she had, she could not live to be old, the prisoner said anything else of his wife, or relating to marriage?) She replies that she does not recollect. After having milked the cow, I went to put the milk in the dairy. Whilst I was pouring off the milk, prisoner told me that in fifteen days he would return to Wotton. He then harnessed his horse to go away. I do not remember that he said anything else to me. When he spoke of returning to Wotton in fifteen days he said he would come and speak to me, but he did not say on what subject. Whilst I was living with the prisoner, I went with him to Warwick. We went to the Dépôt to see the races. His wife remained at home when we went to the station.

*Cross-examined:* On Friday night, before starting for Wotton, I was sitting on the ground. Madame Guillemette was sitting on a chair beside her husband the prisoner. She was not sitting on a chest, it was a chair. I placed my hand on prisoner's knee only during the time it took me to get up from the ground. I got up to shake hands with Madame Guillemette, and when I gave her my hand I was standing up. Whilst I was sitting down, and before I got up, my hand was not on prisoner's knee. That night was the only time I put my hand on prisoner's knee. Whilst I was seated I did not look through the hole in the door of the stove, nor did I do so while I was getting up or afterwards. I might have looked through it during the evening, but I did not do so when I shook hands with Madame Guillemette. I am quite certain I was two or three feet from the prisoner when I was sitting near the stove. I was not near enough to prisoner to touch him with my elbow, and did not touch him with my elbow. On Friday night, when I was sitting near the prisoner, I did not have my elbow resting on his knees. When I put my hand on prisoner's knees, his wife had no time to say anything, and she did not say anything on the subject to the best of my knowledge. She did not tell me that I was a little slut and a wh—e. That was on another occasion. It was in the afternoon, about five o'clock that I placed my hand on prisoner's knee. It was daylight. When Madame Guillemette stated she wished to go to Wotton, I was sitting near my brother-in-law, the prisoner was sitting near the stove, and Madame Guillemette was sitting on a chest. As regards the journey to Wotton, it was the prisoner who first spoke of it. He said that he wanted to go and see lands at Wotton. It was then that I asked him to take me to Wotton to see my sister. It was

on Friday night, and the prisoner replied, "If there is no work to do you can come if you like." Madame Guillemette then said "I will go to Wotton and see the lands." Prisoner said to her, "You will not come to Wotton to play me the same trick you did the first time," that the first time she went with him she would not let him go to see the lands. Prisoner's wife said, "Yes! I will go." I then said to the wife, "If you go to Wotton, you may look for another girl, I am not going to remain here to be covered with abuse." I don't remember what was said afterwards. I think I remember the prisoner saying, "you have engaged yourself, and you will finish your time." As far as I can recollect, Madame Guillemette said the same thing. As far as I can recollect she wished to keep me. Whilst prisoner and Onésime Richard were gone to get loads at my brother's house, Madame Guillemette did not put me out of doors, I went out of my own accord. I do not recollect whether prisoner's wife said anything to me before I went out. I do not recollect to have sworn to anything that the wife of prisoner might have said to me about finishing my time. I have not a good memory. I cannot explain how it is that I do not recollect what I said two hours ago. *Examination of witness adjourned till to-morrow at 9.30 a.m.*

24th February, 1870.

9.30 a.m. *Marie Leblanc* (examination continued):

When I was at Wotton engaged in milking the cow, it was on Thursday, to the best of my knowledge. I was not alone with the prisoner; my little sister Josephine, five or six years old, was with me. I was milking the cow. The prisoner came from the house to look for his horse, but he spoke to me before catching it. The first thing he spoke about to me was, as to what measures he should take to get rid of wife. This was after he had taken his seat on the stone. This was the first thing he said to me, as far as I can recollect. I do not remember what he said after that. It is because my memory is bad, as I stated yesterday, that I cannot recollect what he then said. It was when the prisoner asked me how he should get rid of his wife, I said, "What are you thinking about to put me such a question as that." As far as I can recollect, that is the answer that I gave the prisoner. I have already been heard as a witness in this same cause before this court.

*Question:* Do you recollect that when you gave your evidence in this cause, here in court, a year ago, speaking of what took place in the field at Wotton, you made in relation to it, statements which did not agree together?

I understand the question (says the witness). The things which I repeated I know that he said to me, but I cannot put them in the order in which he said them. Answer the question: She said that she could not recollect. I do not recollect that in giving evidence in this cause, before this court here, a year ago, I said things which did not agree together.

*Question:* Do you recollect at the term in February last, when you were giving evidence in this cause, before this court, I drew attention to the fact that you had narrated the affair of the field at Wotton in two different ways;—the first time stating that the first thing the prisoner had said was to ask you by what means he could get rid of his wife, and afterwards that the first thing which he had asked you was whether you would marry him if he became a widower.

*Answer:* I do not recollect that.

*Question:* Is it because you are afraid of contradicting yourself that you answer, "I do not recollect" or "So far as I can recollect?"

Witness answers that she understands the question. She adds, "Yes! it is because I fear to deceive myself that I say so often 'I do not recollect' or 'so far as I can recollect.'"

So far as I can recollect, when he seated himself on the stone, the first thing he said to me was, as to how he was going to get rid of his wife. Thereupon, so far as I can recollect, I asked him what he was thinking about, to put me such a question as that. Thereupon the prisoner said, that in view of the disease his wife had, she could not live to be old; and I said, "Your wife has no disease." The prisoner answered, "She has tooth-

ache." As far as I can recollect, I then told him to go home and make terms with his wife. Then, as far as I can recollect, the prisoner said, that in fifteen days he would get rid of his wife. I made him no answer as far as I can recollect. The prisoner then asked me if I would take him if he became a widower. I answered by asking him what he was thinking about to make such a proposition to a young girl like me. Thereupon he said that he had made up his mind that if he became a widower he would have no other wife than me. I then told him to go home and make terms with his wife; and he then said that it was difficult to make terms with his wife, that when he got home she quarrelled with him. I do not recollect that there was anything else said at that time either by him or by me. The prisoner then went to catch his horse and returned to the house. Whilst I was pouring off the milk, the prisoner harnessed his horse, and he then told me that in fifteen days he would get rid of his wife and return to Wotton. This was while he was harnessing his horse. I poured off the milk in the dairy, near the left door on the side of the house of Onésime Richard. Whilst I was pouring off the milk in the dairy, the prisoner said that he thought in fifteen days he would get rid of his wife and return to Wotton, and I then said to him to go away and make terms with his wife. The prisoner went away saying, "In fifteen days." To the best of my knowledge this is just what took place. Prisoner said that in fifteen days he would come back and talk to me. He said, "I think I will return in fifteen days and I will talk to you." The prisoner said, "I think that I will return in fifteen days and I will talk to you." Those were the words he used, to the best of my knowledge. That is all that was then said. I do not recollect that anything else was said on that occasion. (The foregoing evidence, from and including the words "So far as I can recollect," in the tenth line of page 51 [*sic in M.S.*], was read to the witness). Mr. O'Farrell asks whether that is all that took place and was said on those occasions. Witness answers, Yes! I cannot say how it was known that I could give evidence against the prisoner. I do not recollect when I was told that I was to be examined as a witness. I have never said to any one that I could give good evidence in this cause. I have never been examined before Dr. Poisson alone. I do not know how it became known that I could give evidence in this cause. I was very much surprised to hear a man tell me he wished to get rid of his wife; I did not speak to any one about it, because I thought the thing too dreadful. That is the only reason why I did not speak about it. I went of my own accord out of the prisoner's house. I left when he and my brother-in-law went to get loads at my brother's.

*Question:* Did you tell any one that Madame Guillemette had sent you out of her house on that occasion?

Madame Guillemette did not send me out on that night. It was on the morning of the next day that she sent me. I did say that Madame Guillemette had sent me out on that occasion. I stated so to the neighbor, Madame Powell. I did not speak of it to any one else. I do not recollect having said so to Richard when he arrived with the prisoner after getting the two loads.

*Question:* You said just now that you had not mentioned it to any one but Madame Powell, and you now say that you do not remember whether you mentioned it to Richard. Do you not see that those two statements do not agree?

*Answer:* No! There is not any serious error. No little caresses have ever passed between the prisoner and me—caresses as between husband and wife. I have never laid down on the ground near the prisoner behind a shrubbery of branches or twigs. I have never sat on the prisoner's knees or on one of his knees. I am quite certain of that. I have never been embraced by the prisoner.

Mr. O'Farrell moves that the deposition of the witness taken before Dr. Poisson, J.P., be read. The witness withdraws.

Dr. Poisson being sworn, deposes (He proves the deposition taken before him). This is the deposition of the witness Marie Leblanc, taken before me and written as it was given. It was read to her. She affixed her mark thereto, and I signed it as Justice of the Peace. The witness Marie Leblanc, returns and continues her evidence. (Her deposition taken

before Dr. Poisson, J.P., is read.) The deposition made by me before the Justice of the Peace, and my evidence given here do not agree. It is a long time since I made that deposition, and three years hence I shall remember still less about it. I cannot say what period of time elapsed between the time at which I had the conversations with the prisoner, and to which I have referred, and the time at which I came to give evidence at the term of the Court in February, 1869.

*Question* : Do you see any differences between your deposition, in which you said that you had your elbow resting on the prisoner's knees, and the evidence you gave in Court, in which you say that you only had your hand resting for a moment on the prisoner's knees? Yes, I see there is a difference. I gave that evidence to the best of my knowledge. That is what I said the first time, which was to the best of my knowledge. It was my elbow which was resting on the prisoner's knee. I am not able to say whether it was my elbow or my hand which I placed on the prisoner's knee in 1869. My elbow only rested on the prisoner's knee whilst I was getting up. It was whilst I was seated that I placed my elbow on the prisoner's knee to assist me in rising. I was sufficiently near the prisoner to place my elbow on his knee. When I was getting up I did not lean against the prisoner. I got up directly. Having sworn yesterday that I was two or three feet from the prisoner, and swearing to day, that I was near him when I placed my elbow on him, I have sworn to the best of my knowledge to day. So far as I can recollect, the prisoner had at Wotton, a black coat and a grey coat.

*Re-examined* : It was at Wotton that I first learned that I was to be examined as a witness. It was the Justice of the Peace, Dr. Poisson, who gave me this information. He came from Wotton, and made us speak. I did say to the prisoner's counsel, that if I could have recollected as well to day and yesterday as I did when I was examined by the Justice of the Peace, I would have said the same things. I do not recollect having been at Wotton, at Richard's house, whilst they were playing cards. I do not remember that any thing passed between the prisoner and me, which caused Madame Richard, the mother of Onésime Richard, to make any remarks. I did not sit on the prisoner's knee at Wotton, when the prisoner was there.

11. *Pierre Celestin Blais* : I am 14 years old. I have not made my first communion. (He knows what is meant by an oath.) I know the prisoner, and I knew his wife and little children. I remember the fire which took place at their house, the house was burnt at that time. I passed the afternoon before the night of the fire at the prisoner's house. We were cutting wood for the prisoner's wife. The prisoner had arrived from Wotton at 3 o'clock in the afternoon. My little brother Philippe, two other little brothers, and myself were there. I was the oldest. The prisoner's wife was there. The prisoner asked his wife if she had become any worse. She replied, "I may well become worse, you neither leave me wood nor anything else. She was suffering from toothache." The prisoner then went to unharness his horse. He went to see his colt in the stable, and found that it had been neglected. He returned to the house to get water to give to the colt, which had suffered for want of water. While in the house, he said that his colt had been neglected, and the wife replied, that she could not get any hay, and that it was necessary to feed it with oats, and she was afraid of it. I made a mistake at the beginning. The prisoner put out his mare behind his barn. He placed his harness in his vehicle. Before that, he was in the habit of putting it in his garret. When the prisoner came to the house, he went up into the garret and found some flour, which his wife and the witness had put into some bran, and began to scold his wife saying, that when he was away, everything went to ruin. The prisoner changed his clothes. He took off an overcoat of black cloth, a black blouse that was underneath, and black trousers, all which he placed on a bed. He then put on trousers of country cloth. He also took off his boots. He had on a pair of gaiters, which he took off, and also, a pair of socks. He put his gaiters near a chest, between the bed and the door at one end of the chest. He then went to the garret to look for some old socks and some old beef shoes. When prisoner came down from the garret, prisoner's wife said to him, that he had better keep on the socks he had. Prisoner said "No! perhaps you will not make me any more." I remarked the vehicle in which the prisoner came back from Wotton. It was a spring board. I think that I saw on the prisoner, the day of his wife's burial, the black overcoat which he had

taken off when he came back from Wotton. There were in the spring board, a pair of grey cloth trousers, and a waist coat of the same material. I saw what there was in the spring board, the evening the prisoner came back from Wotton. These clothes were in the seat of his vehicle. I saw no other clothes either there or under the cushion. If there had been an overcoat there, I should have observed it. I am certain there was no overcoat folded up under the cushion of that vehicle. When the prisoner said to his wife "one of us two must take to the woods this night" his wife replied "do not speak that way before the children." The prisoner was angry at that time, and spoke in a loud voice. His wife did not speak in a loud voice. No mention was made that night of the clothes in the spring board.

*Cross-examined*: When the prisoner asked his wife, on his return from Wotton, whether she was any worse, it is not true that she said nothing. Prisoner's wife and I had mixed some flour with the bran for the pigs. We did it by mistake. There was some bran in a box. We intended to put some more with it; instead of that we put flour. My mother had baked her bread that day at the prisoner's house, and that with wood cut on the prisoner's land. When the prisoner said "One of us two must take to the woods this night" (*prenez le bois ce soir*), he said nothing else. Prisoner made use of the words "this night" (*ce soir*), I am positive. On the morning of the fire we were talking of this at the house, that is to say, of the bran and the flour mixed, and of taking to the woods that night. I have not narrated the matter differently to anybody else. I have always said the same thing. I know Xavier Barbin. I have spoken to him of the flour, of the bran, of the coming to ruin (*gaspillage*), and of taking to the woods, and I do not think I told him the matter in a different way. My brother was present with me. I went out, and my brother remained. I do not know what time it was when I went out. Then the prisoner, his wife, my brother Philippe, and my two smaller brothers remained in the house. I went to the stable with the prisoner, and returning from the stable, I again went into the house. I went out from the house a couple of minutes before the prisoner, before I went to the stable with him. From the time of the arrival of the prisoner from Wotton, until the moment when I went out a couple of minutes before the prisoner, and that we went to the stable, I did not go out of the house. When the prisoner arrived, and afterwards went to the stable, it was to unharness. After he had unharnessed, I returned to the house with him, and remained at the house until the prisoner had been to the field. I remained there with the prisoner, and saw him the whole time. I have stated all that the prisoner said, from the time that he came back from unharnessing until the moment that he set out for the field. When prisoner returned from the field he arrived at his barn when we were starting to go home. We were not in the house with the prisoner after he set out to go to the field, and I did not return to his house that night or that day. The prisoner said, "One of us must take to the wood to-night." He did not say before me "One of us must perish."

Witness withdrew for a moment.

*Auguste Quesnel, Esq.* (sworn), proves the signature of Dr. Poisson as a J.P. to the deposition of the witness taken before him as such.

(The witness *Pierre Célestin Blais* returns, and his deposition was read. He continues his evidence as follows):—

When I said here one time "ce soir," and shortly afterwards "cette nuit," in relating that prisoner had said to his wife, "One of us two must take to the woods," I made a mistake the last time, using the words "cette nuit."

*Question*: Did you say to Xavier Barbin that the prisoner, when speaking of the spoiling of the flour with the bran, said "if this continues we shall be obliged to take to the woods"?

*Answer*: Yes; that is what I said to Xavier Barbin. I observe that this does not agree with what I have stated here in court to-day. When I spoke to Barbin I recollected things better than I do to-day. When I spoke of the matter to Barbin it was a few days after the fire.

*Re-examined*: What I said to Barbin is what the Prisoner said. Adjourned till tomorrow at 10 a.m.

25th February, 1870, 10 o'clock, a.m.

12. *Philippe Blais*: I am 10 years old. I have not made my first communion. (He knows what is meant by an oath.) I know the prisoner, and I knew his wife. I am the

son of Célestin Blais, and brother of Pierre Célestin Blais, who has been already examined. I remember the fire at the prisoner's house. I was at prisoner's house one night before the fire. It was on the Eve of All Saints that the house was burnt. My brother Pierre Célestin Blais and my two smaller brothers went to prisoner's house, and we then cut wood to bake some bread, and it was the night of the same day that the house was burnt. When we were there cutting wood, the prisoner was at Wotton. Prisoner returned home from Wotton while we were there. On arriving from Wotton, the prisoner asked his wife if she had become worse. She replied "I might well become worse when you have left me without any wood and some has had to be cut." Prisoner's wife was then suffering from toothache. I was in the house when prisoner arrived. It was about 3 o'clock. Prisoner changed his clothes and then went to his (stable) and found that one of his horses was suffering for want of food and water. He then returned to the house, and went up in the garret, and there found that some flour had been mixed with bran. He said to his wife "One of us two will perish this night." His wife said "Do not say that before the children." Prisoner then said "One of us two will take to the woods this night." (Witness is told to give the exact words used by the prisoner, and he said "One of us two will take to the woods this night" (ce soir). When the prisoner changed his clothes, he took off a black overcoat, a black blouse, a waistcoat, and his gaiter boots, and placed his clothes on the bed—a black overcoat, a black blouse, a black waistcoat, and his trousers. The prisoner's children wanted to play with his gaiters and stockings. Prisoner put the stockings in the gaiters and put them all behind a chest. He had taken off his socks and asked his wife if she had any other socks to give him. She said "I have washed the socks and they are drying, you had better put the same on again." He then said "I had rather put on some old ones, perhaps you will not make me any more." The chest was not far from the bed. Pierre Célestin Blais did not remain all the time in the house. He went out before the prisoner said to his wife "One of us two will perish this night," and the wife said "Do not say that before the children," and the prisoner afterwards said "One of us two will take to the woods this night." The prisoner came from Wotton in a vehicle called a spring board. There was a box under the seat of this vehicle. I saw in this box, a short waistcoat of grey cloth, some grey trousers, and a grey blouse. There was a cushion on the seat of the vehicle, but nothing underneath it. When I looked to see if there was anything under the cushion, I did not remark any overcoat there. The prisoner left the harness on the front of his vehicle.

*Cross examined:* My mother is Esther Paradis, a witness already examined. My father is called Célestin Blais. He has also been heard as a witness. When the prisoner asked his wife if she had become worse, she replied, "I might have become worse, as you left me without any wood and it has been necessary to cut some." Those are the very words Madame Guillemette made use of. She did not reply that she had become worse. She did not reply No! After having come back from the stable, and when coming down from the garret, the prisoner said, "One of us two must perish." After having said these words he went out into the fields. I do not say that my brother, Pierre Célestin Blais, had gone away before the prisoner had gone to the field. Pierre Célestin went to the stable with the prisoner and they came back together to the house. When the prisoner set out from the house to go to the field, my brother Pierre Célestin was at the house. He came into the house just as the prisoner was setting out to go to the field. When we do not tell the truth before the Court we are sent to jail. The prisoner set out to go to the field almost immediately after he had said "One of us two must perish." "One of us two must take to the woods this night." After having said that the prisoner set out at once to go to the field. Prisoner was in the house when he said these words, "One of us two must perish." He was close to the foot of the staircase. He had come down from the garret and was leaving the staircase. It was on arriving from Wotton that prisoner changed his clothes and put them on the bed. It was also on arriving from Wotton that he took off his stockings, that he asked his wife for others, that she told him to keep those he had, and that he said, "I would rather have others, because perhaps you will not make me any more." It was after that, that the prisoner went to the stable, but I did not go then. My brother,

Pierre Célestin, went with him. It was after the affair of the stockings that the prisoner went to the stable, that he found his horse without water or forage, and that he gave it some. Prisoner changed his clothes, put on his every-day clothes, went out to unharness his horse and put it out to grass, and looked after the horse which was in the stable. He came back to the house and asked his wife for something to eat before going to the field. Having eaten he went at once to the field. He did not go up to the garret before setting out for the field. He did not eat twice. He did not go to the garret twice. He did not go to the field twice, and he did not say twice "One of us two will perish this night." It was before going to the stable to look after the colt that he changed his clothes, and not after he came back. It was not in coming down the stairs that the prisoner said "One of us two will perish this night." He was angry then and was not in a good humour. When the prisoner said, "One of us two will perish this night," his wife said, "Do not say that before the children," and the prisoner said, "One of us two will take to the woods this night." He then took something to eat, and after eating went to the field. My mother never gave me any instructions as to my evidence. I have never spoken to my mother about my evidence in the presence of Aurélie St. Cyr, and my mother has never spoken to me of it before that person. I have never spoken of my evidence to my mother, nor has my mother ever spoken to me of it in the presence of Xavier Barbin. My mother never said to me, in the presence of Aurélie St. Cyr or of Xavier Barbin, "Do not forget to say 'this night' (cette nuit) when you state that the prisoner said one of the two would take to the woods." I saw in the seat of the vehicle, some grey clothes, having looked in the seat of the vehicle.

Prisoner's counsel asks to have the deposition taken before the J.P. read.

Witness withdraws.

*Urgel Médéric Poisson, Esq.*, sworn, and says: I hold in my hand the report of the inquest which I held as J.P. I there find the deposition of the present witness, Philippe Blais. He made this deposition before me, and it was taken as nearly as possible in the words he used. It was read to him, he signed it with a cross, and I signed it as a J.P. The inquest was held on the information of Narcisse Leblanc. (The deposition of the witness, Philippe Blais, was read to the Jury in his presence, and the same Philippe Blais continues his evidence as follows.) I do not see that my evidence does not agree with my deposition. I have said here that I did not try to look, and that I only once looked in the seat of the vehicle, whilst my deposition says that I did try to look when the prisoner came back from Wotton. That does not agree. I have said here that the prisoner asked his wife if she had become worse, and that she had replied, "I may well have become worse;" and I said, that to that enquiry of the prisoner, she had replied "No." When I answered at the inquest that she had replied "No," I did not remember so well as I do now; the further I go into the matter, the more I remember. I have said here that the prisoner had changed his clothes before going to the stable, and that after, the prisoner came back to the house and went to the field. In my deposition, I said he had changed his clothes after he had come back from the stable. The two statements do not agree, there is a difference. I did not say the same thing because I did not remember more about it. I have said here that the prisoner had come down the staircase and was close to it when he said "One of us two must perish this night." In the deposition that I gave it is stated that the prisoner said that when coming down the stairs. The difference arises from my no longer remembering it. I said this morning that when the prisoner said that he was angry and not in good humour. Before the J.P., I said that when the prisoner said that he was not angry, and was in good humour. This difference arises from the fact that I no longer remember it. I have stated here that I remember better now than at the inquest, but I now say that I remember less now than at the inquest. I have said to-day that when the prisoner said "One of us two will perish this night," his wife gave him something to eat, and that he went out into the field. In my deposition, I said the prisoner said "One of us two will perish this night," and that the wife said "Hold your tongue, do not say that before the children." The prisoner added "One of us two will take to the woods this night," and set out for the fields. These statements do not agree. I remember nothing about it.

13. *Olive Patoiné* : I reside at St. Christophe. I know the prisoner, and live five arpents from where his house stood. I remember the fire at prisoner's house. The evening before the fire I heard loud talking in my neighbourhood. The voices appeared to be angry. It was the prisoner and his wife who were speaking loud in that way. The woman spoke louder than the prisoner. I heard this noise from about nine o'clock until midnight.

*Cross-examined* : I was then living in my father's house. I do not remember what work I was doing. There were then in our house my father, my mother, my brothers, my sisters, and myself. Two of my brothers and one of my sisters are over nine years of age. Prisoner's wife was talking, also, for a longer time than he. I sometimes work at night. It is difficult for me to say how often I work at night. I take in sewing. I heard the voices at 10 and 10.30. I heard these voices at about 9.30 p.m. I heard them between 9.30 p.m. and 11 o'clock p.m. I cannot recollect how often they spoke in this way. When I began to hear them it might have been about 9 o'clock. I did not listen all the time expressly to hear them. I did not listen intentionally. The doors of our house were open. I did not go out of the house. There was no fire in the house, the weather was quite warm. I do not recollect whether any of my brothers and sisters were still up. My father had gone to bed, my mother was up. My mother is forty-two years of age and is not infirm. I could hear at five arpents, and they could hear just as well at Mr. Powell's, who lives at a distance of two and a half arpents. When I was asked whether I had found any property in prisoner's field I answered "No." I said that the girl who had lived with the prisoner came to our house with prisoner's wife, and that the prisoner had come afterwards, and that the girl and I went out. I heard nothing of what was said the night of the fire between the prisoner and his wife. I remember that the prisoner went to Wotton, but I do not recollect when. The first time he went with his wife and the second time alone. I do not recollect the day of the week, or how many days before the fire he went to Wotton. I do not recollect how many days elapsed between the two occasions of his going. I am not very strong on dates. I do not recollect exactly the date of the fire. The time of the fire is a little obscure in my mind. Nothing remarkable happened to me on the night of which I have spoken. It was when I was examined a year ago before this court that what I have just stated came to my mind. The voice of the prisoner did not indicate that he was angry.

*Re-examined* : I am certain that it was the evening before the fire.

14. *Jean Patoiné*. I reside at St. Christophe, four or five arpents distant from the house of the prisoner which was burnt. I have known the prisoner for a long time. On the evening before the fire I did not hear any quarrelling in the neighbourhood. No cross-examination.

15. *Henriette Dessaint dit St. Pierre*, wife of Charles James Powell : I have known the prisoner a long time, and knew his deceased wife and children. On the evening before the fire I passed in front of the prisoner's house. I heard talking as I passed. They were talking loud. The wife of the prisoner and he were talking. The woman spoke loudest. They were quarrelling, but I did not hear what they said. I lived two and a half arpents from the prisoner's house. The prisoner and his wife did not agree well together. They often quarrelled, but I could not say how often. When I heard them quarrelling it might be about 7 o'clock. I did not hear them quarrelling afterwards.

*Cross-examined* : From the tone of the prisoner's voice I should say he was angry. I never said to anybody that I did not think he was angry. I did say to Mr. O'Farrell to-day that, judging from the tone of the prisoner's voice, I did not believe prisoner was angry. I have already been examined as a witness. I have never heard the prisoner abusing his wife, it was always his wife who abused him.

*Re-examined* : I was not under oath when I said to Mr. O'Farrell that the prisoner was not angry.

16. *Narcisse Leblanc* : I reside at Wotton. I consider myself the father of Marie Leblanc, the wife of Prospère Beauchêne. Marie Leblanc was nineteen years of age on the sixth of the present month of February. I have known the prisoner very well for six or



seven years. I recollect the time when the prisoner left Wotton to come to Arthabaska. I saw the prisoner after that, and I was told that some time before, ten or eleven days, he had been burnt out. The first time I saw him afterwards was at the house of his brother David Guillemette. I did not converse with him at that time. I only went in and out, and shook hands with him. On the following Tuesday or Wednesday I saw the prisoner in Louis Hudon's barn in the Village of Arthabaskaville. I was then dressing grain. The prisoner came into the barn and began talking with me, whether I had been to see the land in Wotton. I had been to see the land in Dudswell. He said he wanted to go and settle there. I told him that I had found a lot, and that Hudon was willing to take half of it. The conversation turned on the publication of the banns (of marriage) of my daughter, Marie Leblanc. I do not recollect how it began: for it is fifteen months since then, but it turned on the publication of the banns of my daughter with Prosper Beauchêne. I cannot tell the words the prisoner made use of, but as well as I can recollect he wished to put a stop to my daughter's marriage with Beauchêne but would allow the publication of the banns to be continued. I said to the prisoner that people would make remarks if he attempted to prevent my daughter from marrying. I told him I would not stop the publication of the banns, nor hinder my daughter's marriage with Beauchêne. My reason was that I thought it a good thing for my daughter, and I had no mind to prevent my daughter from marrying him. The prisoner said that people spoke ill of him, making remarks concerning him which were not true, that he had not felt ashamed in church (*qu'il n'avait pas rougi dans l'Église*). I told the prisoner that I was a poor man, that my daughter had a good chance, and that I had no means of keeping her at home. The prisoner told me that if I would stop the marriage, he would contribute something towards her maintenance, until they could marry at a future time, if she were disposed to have him. I told the prisoner that when the time came for marrying my daughter he might change his mind, and my daughter might be left on my hands, which I had no mind for. The prisoner told me, as nearly as I can recollect, that he had sold his farm for \$250 or \$300, and that he had stock (*du roulant*) to the amount of £50, and could with that give security, and that she might marry any one she liked if he did not take her. I still made him understand that there was not any means of putting a stop to the marriage. The prisoner told me that if I did not stop it, he would himself go to Wotton to see my daughter, and would stop it. The reason which the prisoner gave me for not stopping the banns, was that people might not suspect her intention to break off her marriage with Beauchêne in order to wait for the prisoner, and marry him. I told the prisoner to keep quiet, that I would go to Wotton, and what I should do would be well done. The prisoner may have said something besides, but I have no recollection that he did. It is a long time ago. I saw the prisoner when he went to Wotton to look at the lands. When he got to Wotton it was dark, and I was in bed. I did not notice his dress. Afterwards we went away together and I noticed how he was dressed. The first time he had a cloth jacket with a piece torn out of the back, which had been mended. It was store cloth, a little worn and of a black color. He had also a grey blouse of country cloth, with black trousers and grey trousers, with a black blouse. He had two suits when he arrived at Wotton. We looked into the seat of the vehicle to take out an outside coat and a portmanteau which he had brought from Arthabaska for me. I did not see any great coat belonging to the prisoner, and he did not bring one to the house of Onésime Richard. At Wotton the prisoner talked a little about his wife. He said she was cross and ill-tempered. I went to the prisoner's house on Saturday about half-past ten in the forenoon. I had been in the house about an hour and a half when the prisoner came down from the loft (*le grenier*). When I arrived at the prisoner's house my daughter Marie Leblanc was not there, and the prisoner's wife told me that she had quarrelled with her and sent her away. She was gone to Mr. Powell's. On the road the prisoner told me that when they saw me coming, his wife had made him go up into the loft.

*Cross-examined:* The prisoner told me that his wife had made him go up into the loft, in order that he might not take me to Wotton, as he had told me. I had repeated to Hudon the conversation which had taken place in his barn between the prisoner and me. He told it to Madame Leblanc and it came to the ears of the Coroner, who sent for me to go to his house. I thought it was to make me pay him a quarter-dollar which I owed him, and it was to question me concerning what the prisoner had told me. I did not consent to tell him

anything until I had seen Messire Suzor, the Curé. I got to Hudon's on the Tuesday, and stayed there until Friday, sometimes dressing grain and sometimes working in the woods. In going from Wotton to work at Hudon's, I called at Célestin Blais' house and passed the night there. We talked about the present business with Madame Blais. I do not remember that we got the little children to talk, or that they were made to talk. I mean to say that it was not a deposition that I made, but I gave my evidence before Mr. Stein. I was unwilling to do it, and they obliged me to do it, and sent for me or arrested by Joe Laroche. Being sent for, or taken up, means the same thing with me. I was about half-way between Mr. Dorais' and Tousignant's when Laroche came for me. My horse was ready harnessed, and, in a quarter of an hour, I should have started. I do not mean to say that Laroche is a Bailiff. It was before Mr. Stein and M. Médéric Poisson that I gave my evidence, a little more than 15 days after the fire. I lived at St. Christophe before I went to live at Wotton. Before going to St. Christophe to live, I lived at Stanfold. Before living at Stanfold, I lived at St. Grégoire, where I was born.

*Re-examined* : I have been told that the burning of prisoner's house took place in the night between Thursday and Friday, and it was in the following week that I went to sleep at Blais'.

17. Urgel Médéric Poisson, Esq., J.P. and Coroner: Some time after the fire at the prisoner's I was informed that Narcisse Leblanc said that the fire did not happen by accident. I spoke of it to the Sheriff. I am aware that Narcisse Leblanc made a deposition before Mr. Stein, J.P., and the prisoner was arrested on the deposition of the High-constable. I met the Solicitor-General here after the fire, and talked with him about the matter. Some time after, he caused this letter which I now produce to be written to me, which letter is now read to the Jury. The inquest lasted seven or eight days; and, as the proceedings advanced, they found that other persons knew something, and sent for them. It was after I had consulted with the Magistrates of this neighbourhood that I communicated my suspicions to the Government, and asked for instructions. Those instructions were conveyed to me in the letter which I have produced.

*Cross-examined* : It was in consequence of what Narcisse Leblanc said, and of the deposition he made that I spoke to the Solicitor-General who was here, and asked him for instructions. My conduct was not by any means influenced by malice or a desire to injure anyone. I do not know what influenced Narcisse Leblanc.

*Re-examined* : Narcisse Leblanc's first deposition was not made before me, but before Mr. Stein.

18. *Raphael Richard* : I am High-constable. The prisoner was arrested on my affidavit. Having heard that he had returned from the United States, I made haste to make my affidavit, fearing he might go away again before he could be arrested. I arrested the prisoner at Berthier below Quebec.

*Cross-examined* : I had knowledge of the depositions made before the Justices of the Peace, Messrs. Stein and Poisson, and it was on the strength of that knowledge that I depended to make my affidavit before a Justice of the Peace, in order to procure the arrest of the prisoner.

19. *Auguste Quesnel, Esq., J.P., Sheriff* : Dr. Poisson consulted me with regard to the prisoner. Dr. Poisson told me during October term, 1868, that Narcisse Leblanc was in the Advocates' Chamber, and that he had something to communicate respecting the fire at the prisoner's house. He did not seem to consider that Narcisse Leblanc's deposition was sufficient to authorise the arrest of the prisoner. After I had heard Narcisse Leblanc relate what he had told Dr. Poisson, I told the latter gentleman that the affair was serious, and that he ought to take Narcisse Leblanc's deposition in order to have the prisoner taken up. In advising Dr. Poisson to take Leblanc's deposition, I considered that the latter had declared both to that gentleman and to myself that, if any inquest were held, many facts would come out more important than what he had already told.

20. *Célestin Bourassa* : I am acquainted with the prisoner as also with Marie Leblanc. I have never conversed with the prisoner about Marie Leblanc. I have seen the prisoner and Marie Leblanc together in the fields. They were both on the ground together behind a pile

of branches. I did not take notice whether prisoner's clothes were deranged. I did not see what they were doing. The prisoner never spoke to me on the subject.

*Cross-examined*: Marie Leblanc, whom I am speaking of, is the daughter of Narcisse Leblanc, a witness who has been heard, the wife of Prosper Beauchéne, and has given her evidence. She lived with the prisoner. She is the same person whom I saw on the ground with prisoner on the a pile of branches.

21. *George Gendreau*: I am brother-in-law to the prisoner. His deceased wife, Henriette Gendreau, was my sister. I am a trader. I sold an overcoat of pilot cloth to the prisoner about four years before his house was burned. He generally wore it on Sundays in winter, and also when he went abroad in the week time. I saw the same coat on prisoner's back when he was present at his wife's funeral. I advised him to go to the United States, and within ten minutes after I retracted, and said to him, "go, or don't go, I have nothing to do with it." He told me at first that he had money to carry him to the States, but that he had not enough and I lent him three dollars. I saw the prisoner on the morning of the fire. I did not perceive that he was burned, nor his clothes neither. David Guillemette was present when the conversation took place which I have mentioned about going to the United States.

Here the Crown closed its evidence and the Court was adjourned to to-morrow at 9.30 a.m.

The 26th of February, 1870, at 9.30 a.m.

Mr. O'Farrell addressed the Jury in English on behalf of the prisoner.

Mr. Lanier addressed the Jury in French for the prisoner.

Witnesses for the Defence.

1. *Xavier Barbou*: I am acquainted with the children Pierre Célestin Blais and Philip Blais as also with their mother, who have given in their evidence in this cause. I went to the house of the father of the said children, and found them, together with other younger ones. I asked them where their father and mother were, who were not then present with them. They told me that their father and mother were at the village giving evidence at the inquest, which was going on about the prisoner. It was the eldest Pierre Célestin Blais who spoke so, and he added, that he and his brother would go also to give their evidence the next day. I enquired of the children what they had to tell, not being aware that they were at the prisoner's house, when he arrived from Wotton. Pierre Célestin Blais said they were at the prisoner's house when he came back from Wotton. I questioned him, asking him what manner (*façon*) the prisoner had when he went into his house, and how his wife had received him. He said, that his wife smiled when he entered the house. I asked him whether the prisoner looked good-natured when he entered and he answered that he did not look cross, that he pulled off his overcoat and threw it on the bed, that he had gaiters on his feet, that he took them off, as also his shoes and socks (*chossous*), that he put the socks into the gaiters, and placed everything behind a chest, that the youngest of his children took them and was playing with them on the floor, that the prisoner took the gaiters out of the child's hand and put them back again; that the prisoner went to unharness his horse, and coming back to the house, went up to the garret (room overhead), that he found flour and bran in two bags, which had been emptied or mixed together, that the prisoner came down from the garret (*grenier*) very cross, at least looking very cross, and said to his wife, "When I am away, everything goes to rack and ruin and we must perish." Thereupon, the wife asked him what he meant, and the prisoner said "When are we to get wood?" He did not speak of that night nor of that evening. After I had done with that conversation, I waited for their father, as I had business with him and after his return and that of his wife, the woman (Blais' wife) began to talk about the trial in the presence of her children, Pierre Célestin Blais and Philip Blais. She said to me, "Do you believe that the prisoner is not guilty when he said before my little boy: 'One of us two must die this night'?" I went away to return home, and Pierre Célestin Blais, having some business at the second neighbor's, I took him with me as he was afraid as it was dark. I asked him how it happened that he told me the story one way and his

mother another way. Was it as you told me, or as your told mother it me? He answered me: "It is as I told you, mamma is mistaken." Philip Blais was present all the time while Pierre Célestin Blais was telling the story in his parents' absence, and did not say anything. I have known the prisoner for four or five years, he was my neighbour two houses off. He passed as being a quiet, peaceable man, and I looked upon upon him as a good fellow.

*Cross-examined:* While Madame Blais was talking of those things, she addressed herself to me and not to Pierre Célestin, and she did not tell her son to say so and so. Pierre Célestin told me that the prisoner put his great coat on the bed and his gaiters behind the chest.

2. *Auréli St. Cyr:* I am acquainted with Madame Blais and her children, Pierre Célestin and Philip Blais. I heard Madame Blais talking to her two children, Pierre Célestin and Philip Blais, about their evidence on the trial of the prisoner in October last. Madame Blais asked her son Philip, whether he recollected the evidence that he had given on that occasion. Philip answered, "I do not know, I do not know that I shall remember it all." Madame Blais then said to her son Philip, "The prisoner's wife had sent some flour up to the loft (grenier), which the little boy, instead of putting it with other flour, had mixed with bran; that the prisoner had been to see his colt, had found it had been neglected, and had said, 'One of us two must die to-night.'" I am positive that this is what Madame Blais said to her little boy Philip.

*Cross-examined:* I was at Madame Blais' house when I heard Madame Blais tell her child Philip to repeat the things as he had said them before (previously) and to tell the truth and nothing else. I was in court the day before yesterday, but not when Pierre Célestin and Philip Blais were examined.

3. *Joseph Lavigne:* I have known the prisoner twelve or fifteen years. I never heard anything said against his character before the present affair. I never heard him spoken of for good or ill (d'une façon ou de l'autre). I know Narcisse Leblanc, who has given evidence in the present cause. I would not trust him. I have heard several persons speak ill of him. His general character is bad, and I would not believe him on his oath.

*Cross-examined:* I would not believe him on his oath. I never had any dealings with him. I would not believe him on his oath, according to what I have heard say of him.

4. *Marcel Poisson:* I have known Narcisse Leblanc for twelve or fifteen years. He lives near me. He passes with the world for no great things (d'une certaine façon). He is thought to have a long tongue, to be an habitual liar. I would believe him on his oath in a certain way (d'une certaine façon.) I know he has done his worst to make trouble in my family, which is not very nice (gentil.) I would not take him on his oath.

*Cross-examined:* I was never punished for stealing apples; but I took four 4, or 5 years ago.

5. *Nazaire Dion:* I knew the prisoner's children. The elder was a good deal like him, and used to follow him everywhere. The prisoner seemed to be fond of him.

The prisoner closes his evidence in defence (enquête.)

Crown witnesses in Rebuttal.

1. *Auguste Quenel, Esq., Sheriff:* I was acquainted with Narcisse Leblanc, the witness for the Crown, for three years that he worked for me. I am not acquainted with his general character; but I have heard people say that he is a gossip (babillard.) He lived with me five or six months, and I saw nothing to blame in his conduct. I know Marcel Poisson, and he is reported to be a bigger gossip than Narcisse Leblanc.

2. *Messire Suzor:* I am curé of this parish. I know Narcisse Leblanc.

3. *Raphael Richard*: Narcisse Leblanc passes for an honest man. I have known him 12 years.

4. *Firmin Bergeron*: I have known Narcisse Leblanc for 7 or 8 years. He has several times been in my employment. I have nothing to say against him. I should believe him on his oath.

5. *Louis Hudon*: I have known Narcisse Leblanc for 7 or 8 years. He is considered to be an honest man, and I would believe his oath.

6. *Moise Laroche*: I have known Narcisse Leblanc for these 10 years, and should take his oath.

7. *Elzéar Ouellette*: I have known Narcisse Leblanc for 7 or 8 years, and know him to be an honest man in all respects. I would believe his oath.

8. *Urgel Médéric Poisson, Esq.*: I know Narcisse Leblanc, and would believe his oath.

Mr. O'Farrell addressed the jury for the prisoner in English.

M. Lanier addressed the jury for the prisoner in French.

Mr. Hamilton (in reply) addressed the jury for the Crown in English.

Mr. Felton (in reply) addressed the jury for the Crown in French.

The Court charged the jury, who retired.

Verdict, 26th February, 1870—Guilty.

Sentence—Death. To be executed 29th April, 1870.

The above is a true copy of all the evidence given in the trial above cited, the Queen vs. Elzéar Guillemette, before the undersigned Judge.  
26th March, 1870.

(Signed)

A. POLETTE,  
J. S. C.

THE QUEEN vs. ELZÉAR GUILLEMETTE.

1. Coroner's Inquest.
2. Deposition of Elzéar Guillemette before the Coroner.  
Depositions, before the Justice of the Peace, of
3. Onésime Richard.
4. Marie Leblanc.
5. Pierre Célestin Blais.
6. Philippe Blais.
7. Letter from the Solicitor-General to the Coroner, U. M. Poisson, Esquire.
8. Sentence of death pronounced upon Guillemette.
9. Indictment.

CANADA.  
PROVINCE OF QUEBEC, }  
DISTRICT OF ARTHABASKA. }

No. 1.  
INQUEST.

In duo form, held on behalf of Our Sovereign Lady the Queen, in the Parish of St. Christophe d'Arthabaska, in the County of Arthabaska, in the District aforesaid, on the twenty-fifth day of September, one thousand eight hundred and sixty-eight, in the thirty-second year of the reign of Our said Sovereign Lady Victoria, by the grace of God,

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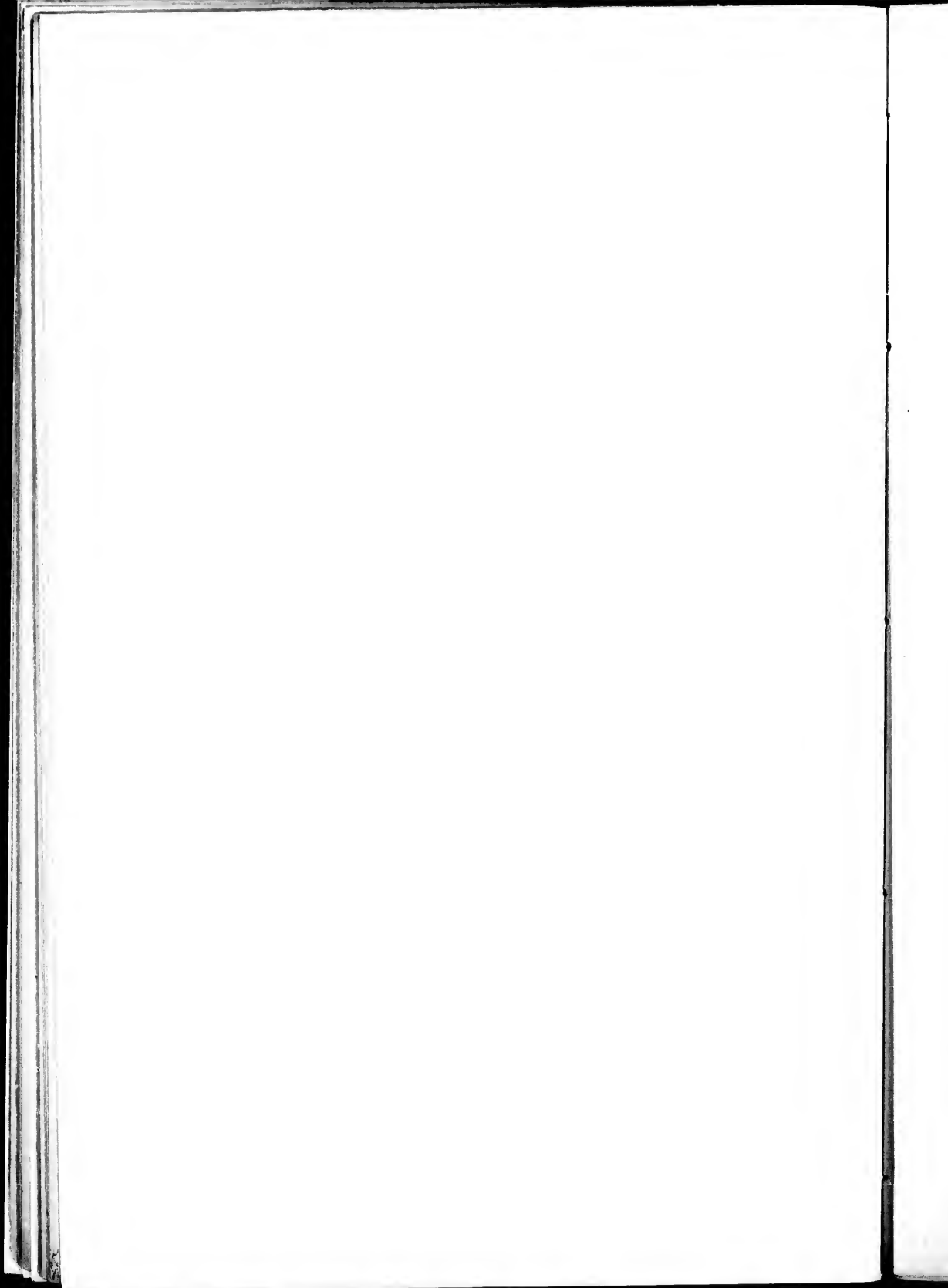
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Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, before Urgel Médéric Poisson, Esquire, Coroner of Our said Queen for the said District, having under view the bodies of Henriette Gendreau, wife of Elzéar Guillemette, farmer of the said Parish of St. Christophe d'Arthabaska, and of Joseph Napoléon, aged four years, and of Marie Arthémise, aged one year, their two children, there and then lying dead. James Goodhue, Esquire, foreman of the jury, Joseph Garnot, Dolphis Beauchain, Thomas Basil, Alexis Auger, Joseph Charette, Xavier Barbin, Louis St. Cyr, Luc Tousignant, Joseph Terrien, George Boisclair, Isidore Desharnais, Lauraut Pepin, Godfrey Croteau, and Louis Roberge, all true and loyal men of the said District, and duly chosen, and being then and there duly sworn and charged to enquire, in the name of Our said Sovereign Lady the Queen, when, where, how, and in what manner the said Henriette Gendreau, Napoléon and Marie Arthemise Guillemette came to their death, say under their oath:—

That the said Henriette Gendreau, Napoléon and Marie Arthemise Guillemette, in the County and District of Arthabaska aforesaid, and in the Parish of St. Christophe d'Arthabaska aforesaid, perished accidentally by fire, in the accidentu burning of the residence of the said Elzéar Guillemette, which burning took place in the night between the twenty-fourth and twenty-fifth days of September instant:

That the bodies of the said deceased were almost entirely carbonized and consumed:

That thus they perished accidentally and not otherwise.

In testimony whereof the said Coroner, together with the said James Goodhue, 10orman of the said jurors, in his name and in the collective name of the said jurors, and in their presence, have signed and sealed the said Inquest, on the day, in the year, and at the place hereinbefore first mentioned.

(Signed)

JAMES GOODHUE,

Foreman.

URGEL MÉDÉRIC POISSON,

Coroner.

True Copy,

(Signed)

B. THÉROUX, JUN.,

Deputy Clerk of the Crown.

No. 2.

CANADA, }  
 PROVINCE OF QUEBEC, } TO WIT.  
 DISTRICT OF ARTHABASKA. }

At an original inquest, done and held on behalf of Her Majesty, in the parish of St. Christophe d'Arthabaska, in the county and district of Arthabaska, on the twenty-fifth day of September, in the year one thousand eight hundred and sixty-eight, before Urgel Médéric Poisson, coroner of Her Majesty, in and for the said district of Arthabaska, on view of the bodies of Henriette Gendreau, in her lifetime wife of Elzéar Guillemette, farmer, of the said parish of St. Christophe d'Arthabaska; and of Napoléon Joseph Guillemette, aged four years; and of Marie Arthémise Guillemette, aged about one year, then and there lying dead; the following witnesses were heard on behalf of Her Majesty; viz:—

Elzéar Guillemette, farmer, of the said parish of St. Christophe d'Arthabaska, who aft r being well and duly sworn, deposeth and saith:—I am the husband of Henriette Gendreau aforesaid, and the father of the two children, the subjects of this inquest. I have been married about eight or nine years. Yesterday, about three o'clock in the afternoon, I arrived at home from Wetton, where I had been looking at land with a view to settling on it. On reaching home I went to my field to work there. I worked there till dusk;



afterwards I did my stable work, &c. as usual, after which my wife and I stripped Indian corn, a bagful. There were no strangers at the house. It was about eight o'clock when we went to bed. My wife and I were in the same bed. In the night, I cannot tell at what hour (the clock was not going), my wife woke me up, asking me to go and fetch wood to make a fire; she complained of the cold. I went and chopped wood. I lighted the fire in the stove, and I lay down near the stove. At that moment my wife was engaged in amusing the little child who was crying. As for me, I went to sleep again at once. And a thick smoke woke me up, I do not know how long after I had gone to sleep again. I made up my mind that the house was on fire, for which reason I at once went out to call help. Before going out, I called to my wife telling her to get up, that the house was on fire. Believing that my wife had heard my cries and that she would save the children, I ran about the vicinity of the house, crying for help. My nearest neighbor, Mr. Charles Powell, who lives on the north, about two arpents and a half away, and my brother David Guillemette, on the south side, about three arpents away. Before these neighbors arrived I made every possible effort to enter the house. I broke the four windows on the four sides of the house, but then the flames and smoke issuing from those openings prevented me from going in. I called my wife, but without reply. Once when I forced in the door, I thought I heard a weak voice. The first person who came to help, was Célestin Blais. I do not know what he did; I was stifled and choked by the smoke. I cannot identify the human remains which I have just seen, in consequence of their great state of calcination; but I entirely believe that they are the remains of my wife and my two children, because they were the only human beings then in the burned house.

This deposition being read over to the witness, he persists therein, declaring it contains the truth, and hath signed.

(Signed,)

ELZÉAR GUILLEMETTE.

Taken and acknowledged before me,  
Coroner, on the day, in the year  
and at the place aforesaid.

U. MÉDÉRIC POISSON,  
Coroner.

True copy,  
(Signed,)

B. THÉROUX, JUNR.,  
Deputy Clerk of the Crown.

No. 3.

PROVINCE OF QUEBEC, }  
DISTRICT OF ARTHABASKA. }

The examination of Onésime Richard, farmer of the Township of Wotton, in the District of St. Francis, taken under oath this fourth day of December, in the year of Our Lord, one thousand eight hundred and sixty-eight, at Arthabaskaville, in the District aforesaid, one of Her Majesty's Justices of the Peace for the said District, in the presence of Elzéar Guillemette, formerly a farmer of the Parish of St. Christophe and Arthabaska, to-day accused before me of having, he, the said Elzéar Guillemette, on the 24th day of September, in the year of Our Lord one thousand eight hundred and sixty-eight, in the parish of St. Christophe d'Arthabaska, in the District aforesaid, feloniously killed and murdered one Henriette Gendreau, his wife, and two of the children of the said Elzéar Guillemette, and the said Henriette Gendreau.

The deponent, Onésime Richard, declareth under oath as followeth:

I am a farmer, and I live in the Parish of St. Hippolyte de Wotton. I am twenty-one years of age. I know slightly the accused Elzéar Guillemette, I saw him at Wotton last autumn after hay-time, but as I do not know the days of the month, I cannot state the date precisely. I saw him again on the Sunday before the fire which took place at his house. The last time that I saw the accused was during the retreat or *triduum* which was held at Wotton last autumn; the *triduum* took place on the Tuesday, Wednesday and Thursday, I think in the week when the fire took place. The last time that I saw the

accused before the fire he came to my house at Wotton, on Sunday, in the forenoon. He went away on the Thursday following, which was in the week of the fire. I left my house in the morning to go to the *triduum*, on the last day, Thursday, about seven or eight o'clock the morning; at the time the accused had not left our house. I returned home about noon. The accused had gone away in the meantime. From Sunday till Thursday the accused stayed at my house. During that time, that is to say, from Sunday till Thursday, my father-in-law, Narcisse Le Blanc was at my house with his family. One of his daughters, my sister-in-law, is called Marie Leblanc; she is now married to one Prosper Beauchêne, of Wotton. She lived at the house of the accused a little more than a month before the fire. I went to the house of the accused on the Thursday night before the fire, where I remained until Saturday morning, except that I went to fetch a load at Narcisse Leblanc's, two miles and a half or three miles away. On the Friday morning there was a wrangle. The accused said that he wished to go and look at lands at Wotton, and his wife, the deceased, wished to go with him. The accused said to her that he was afraid that she would do as on the first occasion, not go and see the lands, and she replied that she did not like the place. The accused said to her that he preferred buying at Wotton. The wife of the accused replied to him that if he went and bought at Wotton she would not go and live there. The girl Leblanc said that if Mr. Guillemette was going to Wotton, she would go too. The accused, his wife, Marie Leblanc and I were present at this conversation, which took place at the house of the accused, which consisted of but a single apartment. When Marie Leblanc said that she would go to Wotton with the accused, the wife of the latter said that she had as much business as her to go to Wotton. She said that she had more business than Marie Leblanc to go to Wotton to see the lands, since she was to reside there. Thereupon Marie Leblanc answered that she had as much business as she, (Madame Guillemette,) to go to Wotton. Thereupon the deceased, Madame Guillemette said to me: "See, Mr. Richard, she says she has as much business to go to Wotton as I." I observed that Marie Leblanc wished to go and see the place, as her sister was married. Madame Guillemette answered me, "Ah! that is not it, Mr. Richard, be sure if you knew as much about it as I, you would not tell me that; they go into the field, they talk of me and they make a jest of me." She, (Madame Guillemette) spoke of the accused and of Marie Leblanc. During the time when I was at the house of the accused, in the week before the fire, his wife said to me that Marie Leblanc was a little slut, that she was too fond of other women's husbands, that she went out with the accused to spend the evening until nine or ten o'clock at night. While I was at the house of the accused, on the occasion in question, the accused appeared to agree pretty well with his wife, but she wrangled all the time. During those days, Madame Guillemette several times told Marie Leblanc to go away, because she brought trouble into the household. The accused replied, "Here is a business, you are hired, you will remain and finish your time." On the Friday evening about dusk, Marie Leblanc was resting her elbow on the knee of the accused, and was wrangling with Madame Guillemette. It was who should say most. Marie Leblanc called Madame Guillemette jealous. Madame Guillemette answered that she was not jealous, but that she saw clearly that they wanted to trick her, and she (*told*) Marie Leblanc to go away, and called her a little slut and a little whore. I thought that Madame Guillemette was jealous, and fancied things that did not exist. I understood that Madame Guillemette wished to say that the accused and Marie Leblanc had gone to bed together. I arrived at Wotton on the Saturday before the fire, about nine or ten o'clock in the evening. Marie Leblanc had got to our house before my arrival. The accused arrived at my house on the Sunday morning. From the Sunday till the Thursday of the week of the fire, the accused remained at my house as well as Marie Leblanc. The accused appeared to be fond of her. I found that he had somewhat the way of a lover. On the Wednesday evening, during the retreat, the accused, while unhitching his vehicle, told me that he thought he should become my brother-in-law within a fortnight. In the morning, the accused had taken mamma, my wife, and Marie Leblanc to the village of Wotton, and then went to see the lands, according to what he told me. Returning immediately, without unharnessing, he brought Marie Leblanc with him. He told me on the same occasion that he did not think his wife had more than a fortnight to live. I asked him why. He

answered me that with the illness that she had, he did not think that she would last more than a fortnight. When I saw her, she had the toothache, and I thought that as she was very angry, that might amount in her case to a serious illness, and that she might die of it. She was angry, because she maintained that the accused and Marie Leblanc were tricking her. The fire of which I have spoken is that which took place, as I have been told, at the house of the accused, on the night between the Thursday and Friday of the week in which the accused left Wotton, as I have said above, and in which fire, it would appear, were burned the wife and the two children of the accused.

*Cross-examined*: On the Wednesday evening at Wotton, when the accused arrived with Marie Leblanc, the latter got down, and I went out to assist the accused to unharness his horse. On accosting him, I said "You arrive like a lover; if your wife saw you, she would not be too well pleased." I said that jestingly, meaning nothing. It was thereupon that the accused said to me, "I think that within a fortnight I shall be your brother-in-law."

The deponent further saith not and declareth that he cannot sign.

(Signed,)

ONÉSIME × RICHARD.

The foregoing deposition of Onésime Richard was taken, and sworn before me at Arthabaskaville, in the District of Arthabaska, on the day and in the year hereinbefore in first instance mentioned.

(Signed,)

U. MEREDIC POISSON, J. P.

True Copy.

B. THÉROUX, Junr.,

Deputy Clerk of the Crown.

PROVINCE OF QUEBEC, }  
DISTRICT OF ARTHABASKA. }

No. 4.

The examination of Narcisse Leblanc, workman, and of Marie Leblanc, wife of Prosper Beauchêne, both of Wotton, taken under oath this fifth day of December, in the year of Our Lord one thousand eight hundred and sixty eight, at Arthabaskaville, in the District aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said District, in presence of Elzéar Guillemette, formerly farmer of the Parish of St. Christophe d'Arthabaska, accused this day before me of having, he the said Elzéar Guillemette, on the twenty-fourth day of September, in the year of Our Lord one thousand eight hundred and sixty eight, in the Parish of St. Christophe d'Arthabaska, in the District aforesaid, feloniously killed and murdered one Henriette Gendreau, his wife, and two of the children of the said Elzéar Guillemette, and the said Henriette Gendreau.

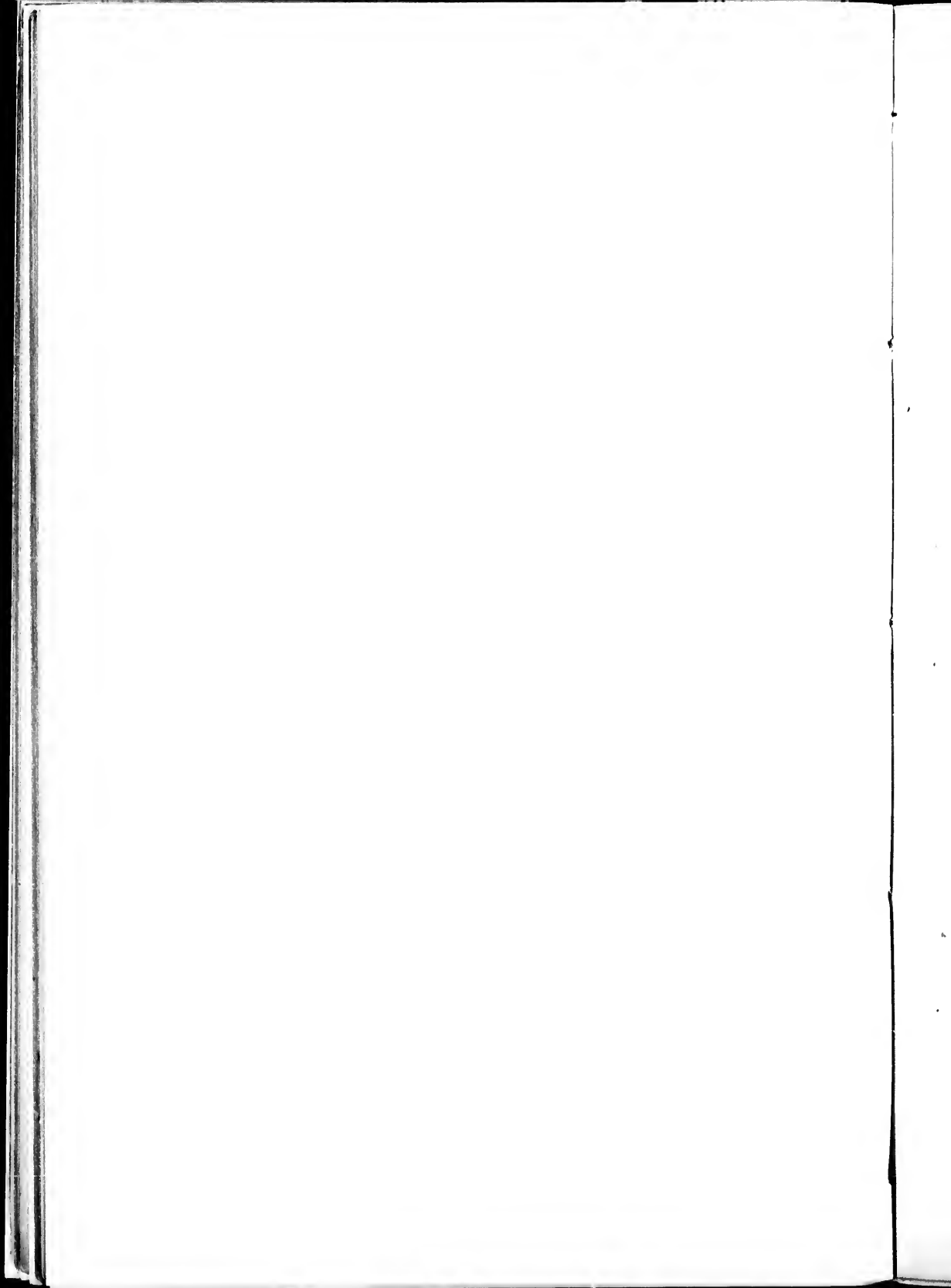
The deponent, Marie Leblanc, declareth under oath, as followeth:—I am the wife of Prosper Beauchêne, farmer of Wotton, where I reside with him. I know the accused, Elzéar Guillemette. I lived at his house for two months, less eight days. I left it on the Saturday preceding the *triduum* which took place at Wotton on Tuesday, Wednesday, and Thursday in the following week. The newspapers said that there was a fire at the house of the accused on a Friday after the *triduum*. I do not know whether it was the same week or the week following. While I was at Guillemette's he and his wife did not agree very well together. At first it was about the bargains that he made and with which she was never satisfied. On the day that I left I perceived that it was also about me that they wrangled. While I was there not one day passed without their quarrelling. On the eve of my departure Madame Guillemette gave the accused to understand that he liked me better than her. Onésime Richard, my brother-in-law came to Guillemette's on the Thursday before my departure. He went away on the Saturday morning. The accused and his wife wrangled while he was there. Madame Guillemette said to me that I liked her husband better than her. She said to me, "Bitch that you are, my husband loves you better than he loves me, and you love him better than you love me." I do not remember the other expressions that she made use of about me. When Madame Guillemette said that to me, the accused had gone to fetch a load from my

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father's with my brother-in-law. Madame Guillemette said to, my brother-in-law, who had invited her to go to Wotton, that I was a bad girl and that my presence at his house prevented her from going there. On the Friday evening before my departure, being in the house of the accused, sitting beside him in presence of his wife and of my brother-in-law, Onésime Richard, I rested my elbow on the knee of the accused. I know that Madame Guillemette spoke in the meanwhile, but I do not remember what she said. She told me, and not once only, that I was a whore and a slut. When I left the house of the accused on the Saturday in question, I went with my father to my brother-in-law, Onésime Richard's, at Wotton, where I remained about three weeks. The accused came to my brother-in-law's on the following Sunday morning, and remained there until Thursday. On the Thursday morning I went out with one of my little sisters, who is about six or seven years of age, to milk the cow. It was the first time that I had done so. While I was milking the cow the accused came to fetch his horse from the pasture. He asked me if I could point out to him any means of getting rid of his wife. The first thing that he said to me was, that if he became a widower he would never have any other wife than myself, because he loved me. He said to me, "If Henriette should die, would you have me?" Henriette means Henriette Gendreau, the deceased wife of the accused. I asked him thereupon what he proposed to do; his wife was in good health. He answered me that although she might be in good health, he would find means of getting rid of her. He said that it was not easy for him to love his wife who scolded him so much. He added that "between this and a fortnight I think I shall be free." I remarked to the accused when he said that he wished to be rid of his wife, that there would be justice for him as for all others, notwithstanding that his wife might be wicked. Thereupon, he did not reply, and began to cry. The accused told me that he could have no pleasure at home because his wife scolded him whenever he arrived. After finishing milking the cow, I went to strain the milk in the dairy. The accused was at the door engaged in harnessing his horse, and he told me that he thought that in a fortnight he would be *clear* of her, speaking of his wife. After I had gone into the house, when the accused was starting, he came to find me, and said to me that he would return in a fortnight, and that he would speak to me. He did not tell me what he wished to talk to me about, but, by his manner, I understood that he wished to speak to me of marriage, and I was quite convinced that it was of that that he wished to speak to me. About a fortnight before my departure from the house of the accused, he took me to the races at St. Victoire. While I was at the house of the accused I washed him a couple of times, because he was too late for mass, and I also combed his hair.

*Cross-examined*: It appeared to me, from the language that the accused used to me, that he wished to speak to me of marriage. When he spoke to me in the field, I told him he might hold his tongue, and I endeavoured to discourage him. When he went away I said nothing to him. When the accused went away from Wotton, I saw him put in the seat of his vehicle a parcel of clothes, among others the jacket which he now has on, of grey stuff, and a pair of trousers of the same. I do not remember having seen anything else.

*Re-examined*: I saw no other clothes than the jacket and the trousers put into the accused's vehicle.

And the said deponent saith nothing further, and declareth that she cannot sign.

(Signed) MARIE x LEBLANC.

The foregoing deposition of Marie Leblanc was taken and sworn before me, at Arthabaska, in the District of Arthabaska, on the day and in the year hereinbefore mentioned in first instance.

(Signed) U. MEREDIC POISSON, J. P.

True Copy.

B. THÉROUX, Junr.,

Deputy Clerk of the Crown.

PROVINCE OF QUEBEC, }  
DISTRICT OF ARTHABASKA. }

The examination of Henriette St. Pierre, George Powell, Hégésippe Lemay Poudrier, Hypolyte Bourassa, Célestin Bourassa, and Pierre Célestin Blais, all six of the Parish of St. Christophe d'Arthabaska, taken under oath, this Eleventh day of December, in the year of our Lord one thousand eight hundred and sixty eight, at Arthabaskaville, in the district aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace, for the said District, in presence of Elzéar Guillemette, formerly a Farmer of the said Parish, accused this day before me, of having, he the said Elzéar Guillemette; on the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty eight, in the said Parish of St. Christophe d'Arthabaska, in the district aforesaid, feloniously killed and murdered one Henriette Gendreau his wife, and two of the children of the said Elzéar Guillemette and of the said Henriette Gendreau.

Deponent Pierre Célestin Blais maketh oath and saith as follows :

I am aged thirteen years, and the son of Célestin Blais, Farmer of St. Christophe d'Arthabaska, where I reside. I know the accused, whose house was burnt this fall. I went to the house of the accused on the afternoon preceding the burning of his house with my three little brothers. The accused arrived from Wotton, at half-past three in the afternoon. I do not know what day of the week it was, but he had been five days gone and he went on Sunday in the morning. The wife of the accused was baking three loaves for us, and I went with my little brothers to furnish her with wood. She had no wood for the wants of the house but three or four sticks. The accused had not arrived when we went to his house about half-past one. On arriving, the accused, after having entered, asked his wife if she had become worse. Thereupon she said nothing. She had had a toothache. Thereupon he went to unharness, and found his colt shrunk in the flanks (clanche). After that he came to the house and began to wrangle, and after he went up to the garret, he saw that a little flour had been thrown into some bran. It was the wife of the accused and myself who had thrown the flour in the bran. In coming down he said, "When I am not here everything is wasted." After that he changed his clothes. He took off a pair of pants and a vest of homespun and a frock and a coat of black cloth; he also stripped his feet, taking off a pair of gaiters and a pair of white woollen socks, and he put on his feet slippers which he had dyed with copperas. They were boots which he had made himself and of which he had cut the legs. The boots I speak of were like these I wear, made of red leather and blackened with copperas. They were not store boots. When the accused took off his gaiters, he put them at the end of a chest which was placed against the wall near a bed, and he placed the clothes he took off on the bed near the trunk. He put on other clothes that were in the house. He had left outside, in his vehicle, a jacket and pants of grey homespun. After having wrangled with his wife, the accused said to her, "One or other of us must take to the woods." After that he went to the fields. He went all alone. I saw the cloth coat which Guillemette the accused left on the bed, on his back on the Sunday after the interment of the wife of the accused. It is not the coat now shown me. It was a coat of cloth. There Hearsay evidence was before the fire a girl of the name of Marie Leblanc at the house of the objected to. The accused who did not agree with the wife of the accused. During the wrangling which took place on the eve of the fire, the woman Guillemette said to her husband before me that he was very fond of the Leblanc girl. The accused began to laugh, and made no other answer. Madame Guillemette said to him that he was happy only with the little Leblanc. My mother came about dusk to the house of the accused the evening before the fire, and the wife of Guillemette said many things to her about her husband and the little Leblanc. During the conversation I amused myself with my little brothers on the other side of the stove. I did not take notice of what was said. I understood that Madame Guillemette said that the girl Leblanc had taken an English thistle and had whipped the accused with it under the blankets, that Guillemette having sworn an oath at her, she went and threw it out. My little brothers and I had cut wood for the night. There was part of it at the door and the rest in the wood. Witness

adds: when the accused came down from the garret as I said above, he took off his socks. His wife said to him to keep them on. He took them off, saying, "you will perhaps not make me any more of them."

*Question* : Why did you add that last remark to your deposition?

*Answer* : It is because I wished to say it before and I did not think of it, and it is because he had said it before me and I wished to tell it.

*Question* : What did you come here for, and what oath did you take?

*Answer* : I came here to tell what Guillemette, the accused said before me, and I have sworn to tell the truth.

*Question* : When the accused said in your presence "one or other of us must take to the woods," did he add anything else?

*Answer* : No,— he started at once to go to the field.

The accused declines cross-examining the witness.

And further deponent saith not and declareth that he cannot sign.

CÉLESTIN + BLAIS.

The foregoing deposition of Célestin Blais was received and sworn before me, at Arthabaskaville, in the district of Arthabaska, on the day and year hereinbefore in the first place mentioned.

(Signed,)

U. MEREDIC POISSON, J.P.

A true copy,

B. THÉROUX, JUNR.,

Deputy Clerk of the Crown.

No. 6.

PROVINCE OF QUEBEC,  
DISTRICT OF ARTHABASKA.

Examination of Heloïse Gagné, Philippe Blais, Joseph Philémond Brassard, Charles James Powell, all four of the parish of St. Christophe d'Arthabaska.

Taken under oath, this ninth day of December, in the year of our Lord one thousand eight hundred and sixty-eight, at Arthabaskaville, in the district aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the district, in presence of Elzéar Guillemette, heretofore a farmer of the said parish, accused this day before me, of having, he, the said Elzéar Guillemette, on the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, in the parish of St. Christophe d'Arthabaska, in the district aforesaid, feloniously killed and murdered one Henriette Gendreau his wife, and two of the children of the said Elzéar Guillemette, and of the said Henriette Gendreau.

The deponent, Philippe Blais, declareth under oath, as follows :

I am ten years of age. I am son of Célestin Blais, with whom I live. We are second neighbors of the house Elzéar Guillemette lived in, and which was burned this fall a few days before the exhibition. I went with my three brothers, one of whom, Pierre, is older than I, and the two others younger, to the house of the accused on the day he returned from Wotton. It was the eve of the fire. We went there on getting up from dinner, and we remained there until our bread was baked at dusk. The accused arrived about three in the afternoon. I was in the house when he arrived. He asked his wife if she was worse. She answered, "No." He afterwards went to the stable where he found his horse neglected. He said to his wife that she had allowed his horse to suffer. He said that quietly. On returning from the stable the accused changed his clothes, after going up to the garret, but I do not know why. After coming down from the garret, he scolded his wife because she had put bran in a box in which there was a little flour. The accused took off in changing his clothes a coat of black cloth, pants of home-spun dyed black, a little black frock and a vest. He put these clothes on the bed. He took off his gaiters



and put them behind a chest, and he put on an old pair of beef slippers. He took off a pair of white socks he had on his feet and put them in his gutters. The wife of the accused said to him, "Keep your socks on." And the accused answered her, "You will perhaps not make me any more. I will not put them on." Coming down from the gurret the accused scolded his wife and said to her, "One of us two will perish to-night." He looked as usual when he said these words. He was not angry, he was in good humor when he said that. While I was there my mother came for her bread.

*Question objected to as hearsay evidence.* *Question:* While you were there did the deceased, Henriette Gendreau, hold conversation with your mother?

She told her a great deal about the little Leblanc. She said that little Leblanc had taken the trouble to go out for an English thistle, while the accused was in bed and that she raised the blankets and gave him a stroke on the backside.

When the accused said to his wife "one of us will perish to-night; his wife said to him; "be silent, don't say that before the children." The accused replied. "One of us two will take to the woods;" and he at once went out to go to the field. On arriving from Wotton the accused had in the seat of his vehicle, a jacket and a pair of pants of grey homespan. The woman asked him if he was not going to bring in his things he had outside. He answered, "No." The harness the accused had when returning from Wotton was a white harness for Sundays, which he used to keep hanging up in the garet of his house. That day, in unharnessing his horse, he left his harness on the front of his vehicle; the straps trailed in the mud. The vehicle was in front of the barn and remained there until we left. On the following morning, after the fire, the vehicle was in the barn.

*Cross-examined:* I tried to look into the seat of the vehicle when the accused arrived from Wotton, but I was not able to lift it.

And further deponent said not, and declared that he cannot sign.

(Signed,)

PHILIPPE + BLAIS.

The foregoing deposition of Philippe Blais was received and sworn before me, at Arthabaskaville, in the District of Arthabaska, the day and year hereinbefore in the first place mentioned.

(Signed,)

U. MEDERIC POISSON,  
J. P.

True Copy.

B. THÉROUX, JUNR.,  
Deputy Clerk of Crown.

No. 7

No. 490.

DEPARTMENT OF THE LAW OFFICERS OF THE CROWN,

QUEBEC, 26th October, 1868.

SIR,—I am instructed by the Honorable the Solicitor General, to request you to proceed as Justice of the Peace, to the examination of all witnesses who may throw light on the Guillemette matter, and to take all other steps you deem it your duty to take in order to arrive at the knowledge of the truth in this matter.

I have the honor to be, Sir,

Your obedient Servant,  
(Signed,) JOS. A. DEFOY,  
Assistant C.L.D.

U. M. Poisson, Esquire,  
Arthabaskaville.

A true Copy.

(Signed,)

B. THÉROUX, junr.,  
Deputy Clerk of Crown.

No. 8.

Ordered and adjudged by the Court of Our Sovereign Lady the Queen now here, that for the felony of which the said Elzéar Guillemette has been found guilty, he be conveyed to the place from whence he came, and that on Friday, the twenty-ninth day of April next he be conveyed to the place of execution, and hanged by the neck until he is dead.

A true Copy.

B. THÉROUX, junr.,  
Deputy Clerk of Crown.

No. 9.

CANADA,  
PROVINCE OF QUEBEC, } To Wit.  
DISTRICT OF ARTHABASKA, }

IN THE COURT OF QUEEN'S BENCH (CROWN SIDE),

February Term, 1869.

The jurors for our Lady the Queen, upon their oath, present that Elzéar Guillemette, late of the parish of St. Christophe d'Arthabaska, in the County of Arthabaska, yeoman, on the twenty-fourth day of September, in the year of Our Lord one thousand eight hundred and sixty-eight, at the parish of Saint Christophe d'Arthabaska aforesaid, in the county aforesaid, in the district aforesaid, did feloniously, wilfully, and of his malice aforethought, kill and murder one Henriette Gendreau, against the form of the Statute in such case made and provided, and against the peace of Our Sovereign Lady the Queen, Her Crown and dignity.

(Signed,) R. THÉROUX, junr.,  
Deputy Clerk of Crown.

(Signed,) GÉDÉON OUMET,  
Attorney General for the said Province,  
by CHARLES HAMILTON,  
Duly authorized prosecuting for the Crown.

A true Copy.

B. THÉROUX,  
Deputy Clerk of Crown.

