

THE QUEBEC TRANSCRIPT,

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FRIDAY, 13TH SEPTEMBER, 1839.

[PRICE ONE PENNY

THE TRANSCRIPT.

QUEBEC, FRIDAY, 13TH SEPT. 1839.

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

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

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

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

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

ants. "great disappointment was evinced," and, as we believe, for, from the mass of uncontradicted testimony adduced by the Crown, it was natural to expect that a Jury of ordinary intelligence would soon decide in favour of a verdict. We can appreciate the feelings of indignation and disgust that we are sure are prevalent among the Loyalists of Montreal who were not prepared, even after the above paragraph in the *Courier*, to see an anti-British ebullition—*à la* Lynch law—those feelings, which we are sorry to see has taken place. It appears, from correspondence received yesterday, that the jury had replied in the negative to the question, "are you agreed upon your verdict?" and, as we are informed, the ten persons who were for acquitting ensued, and these individuals for their personal safety left the bench, but before they had done so a tremendous uproar arose. A number of persons armed with sticks had congregated together, and immediately the jurors discharged by the court, rushed to the bench and commenced beating them violently. The constables and a number of police interfered to prevent further violence, and the arrival of a detachment of the Grenadiers; several of the jurors, however, received severe wounds from inkstands and missiles that were thrown at them. The jurors were escorted to their homes by the 10th Hussars, Jalbert back to prison by the 10th Hussars. The two jurors, Maybell and Mignon, who were for convicting the prisoner, were greeted with deafening cheers, and dispersed soon after. Up to 4 o'clock on Wednesday afternoon, no further disturbance taken place, and no arrests had been made.

TRIAL OF JALBERT

FOR THE MURDER OF LIEUT. WEIR.

COURT OF KING'S BENCH, MONTREAL.

LIST OF JURORS SWORN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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wagon, I do not recollect having seen any person on horseback near it...

Emilie Plante, 6th witness.—I was at St. Denis when the soldiers first came there in 1837.

Marie-Louise L'Hussier, 7th witness.—In November 1837, I left my house in St. Denis during the troubles...

Cross-examined.—I am 59 years of age; I was very much alarmed...

Louise Ayot, 10th witness.—I lived at St. Denis in November 1837. I saw the officer on the day of the troubles...

Cross-examined.—My mother and I retired together; when I first saw the wagon it was two or three arpents from me...

Re-examined by the Attorney General.—We were in fear from many causes; we knew that it was an officer...

It being 6 o'clock, the Court adjourned until to-morrow morning at the usual hour.

WEDNESDAY, 4th Sept.

Frs. Marsden dit Lacroix, 11th witness.—I live in St. Denis, and was there in Nov. 1837, when the troops arrived...

Cross-examined.—When Jalbert passed Dr. Nelson's it was about the commencement of the firing; and he had the appearance of a man going to battle...

Lieut. Griffin, 32d Regiment, 8th witness.—The late Lieut. Weir was in the same regiment with me in November 1837...

Frs. Mignou, 12th witness.—I live at St. Denis, where I have been postmaster and innkeeper for many years...

found a wagon ready at Nelson's door, and saw Nelson himself, who told me I was the fittest person to conduct the officer to St. Charles...

The officer's hands were tied, but I untied them, seeing that they were becoming discoloured. I gave him my gloves, and told him that he was under my protection...

Cross-examined.—I cannot say how long the officer had been on the ground. I saw the officer move not long before L'Hussier fired...

Jean Baptiste Cadieux, 14th witness.—I was at St. Denis. On the first day that the troops came to St. Denis in November 1837...

Cross-examined.—His aberrations did not appear to be feigned. They continued some times for a month or two...

Cross-examined.—I saw the officer in the room on the left hand as you enter Nelson's house, and I recollect perfectly what Nelson said...

J. McGregor, 15th witness, Sergeant, 20th Regiment.—I knew the late Lieut. Weir very well. The witness relates precisely the same circumstances as Mr. Griffin did yesterday...

I think motives of humanity prompted many to cry out "finish him." I believe Jalbert was "finished him"—the cry was general...

Emilie Plante, recalled, 13th witness.—I saw the officer and hit him; the officer was just going and he finished him.

Cross-examined.—I cannot say how long the officer had been on the ground. I saw the officer move not long before L'Hussier fired...

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a wound as this. On there was a gun shot stab. I removed the skull of which I have been inflicted by the head of the de

Cross-examined.—I wounds on his head wounds in the body & death. The profuse b these wounds would h

Dr. Arnold, Jun. and corroborates the e. The blow as have been struck by I wound on the forehe sufficient to cause dea to have been inflicted deceased.

The Attorney Gen prosecution closed, a nel enter on the defe July.

THE D

The following with part of the prisoner:—

Jean Baptiste Godb fireman in Dr. Nelson ber, 1837; I had been son's employ. The 1 23rd November, M was engineer; the m night preceding th about seven or half p I was ordered by M more fire; I could s where I was statione Mason up above, whi gins the reason he; the fire was because t Mason took his gun i tillery, and went into ward; did not see him ed in about a quarter house is an arpent or distillery, and on the I heard firing durin; that Mason was absen went; when he retur ed a piece of news—h returned from killing This was between 8 a ring had commenced son went up stairs to and like the others troops.

The Attorney Gen ving specific facts a tained by the majority I cannot say how I stairs; I did not see I not say where he was hour that he was absa having been elsewhere he told me he had be rection of St. Ours. years to be a good, re

Cross-examined.—I day of the month or I recollect the facts—M was where the machi at the fire.—There w low and Mason abou a person could go ou; the part where I was- son could have gone my knowledge. I left time was so short th son could have gone I not my eye all the tin my place was down s of the machinery and thing such as oil or used to be got at D knowledge that Ma others in the mill—M as to where he had l of the hour—I judg height of the sm— gloomy and bad, and —we generally judg have been about 8 or out of the distillery t went out by the side told me that the of diately after he told m he went out; he first

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a wound as this. On the left shoulder blade there was a gun shot wound; also several stabs. I removed the bullet. The wound on the skull of which I have spoken appeared to have been inflicted by a person higher than the head of the deceased when standing. There was also a gun shot wound on the left groin. Two shots must have been fired for I extracted one ball from the body lodged between the two orifices. The fingers of the left hand were completely backed. There was another wound from the ear to the forehead.

Cross-examined.—I saw two or three sabre wounds on his head. There were other wounds in the body which might have caused death. The profuse bleeding arising from all these wounds would have produced death.

Dr. Arnold, Jun. 16th witness.—(Hear and corroborates the evidence of the last witness.) The blow as described by Cadieux to have been struck by Jalbert, if it produced the wound on the forehead of the deceased, was sufficient to cause death. The wound seemed to have been inflicted by a person above the deceased.

[The Attorney General here declares the prosecution closed, and the prisoner's Counsel enter on the defence by addressing the Jury.]

THE DEFENCE.

Thursday, Sept. 5th.

The following witnesses are called on the part of the prisoner:—

Jean Baptiste Godbeur, 1st witness.—I was fireman in Dr. Nelson's distillery in November, 1837; I had been 10 months in Dr. Nelson's employ. The battle took place on the 23rd November. Mason, a former witness was engineer; the machinery during all the night preceding the battle was in motion; about seven or half past seven o'clock, a. m. I was ordered by Mason to desist putting on more fire; I could see the machinery from where I was stationed as fireman, and I saw Mason up above, when he was about the engine; the reason he gave me for putting out the fire was because the troops were coming. Mason took his gun in his hand, left the distillery, and went into a ditch; he went down; and did not see him join any one; he returned in about a quarter of an hour. Nelson's house is an arpent or one and a half from the distillery, and on the opposite side of the road. I heard firing during the quarter of the hour that Mason was absent, in the direction he went; when he returned he said he had learned a piece of news—he said that they had just returned from killing a dog of a spy. This was between 8 and 9 o'clock, and the firing had commenced below the village; Mason went up stairs to where the engine was, and like the others began firing on the troops.

[The Attorney General objects to the proving specific facts against Mason and is sustained by the majority of the Court.]

I cannot say how long Mason remained up stairs; I did not see him come down; he did not say where he was during the quarter of the hour that he was absent; he made no boast of having been elsewhere than at Dr. Nelson's; he told me he had been below firing in the direction of St. Ours. I have known Jalbert 40 years to be a good, respectable, mild man.

Cross-examined.—I cannot say precisely the day of the month or week, or the hour, but I recollect the facts—Mason's place at the mill was where the machinery was, and mine was at the fire.—There was a partition. I was below and Mason above. From the upper part a person could go out without coming through the part where I was—I do not think that Mason could have gone to Dr. Nelson's without my knowledge. I left for some moments but the time was so short that I do not know if Mason could have gone to Dr. Nelson's—I had not my eye all the time over the distillery for my place was down stairs—Mason had charge of the machinery and pumps, and when any thing such as oil or tallow was required, it used to be got at Dr. Nelson's. I have no knowledge that Mason left.—There were others in the mill—Mason said nothing to me as to where he had been during the quarter of the hour—I judged of the hour by the height of the sun.—The weather was very gloomy and bad, and the sun was not brilliant—we generally judge by the sun. It might have been about 8 or 9 o'clock—I did not stir out of the distillery till the afternoon—Mason went out by the side door. On his return he told me that the officer was killed; immediately after he told me to extinguish the fires; he went out; he first went up stairs; it was

about 7 1/2 o'clock when he went below, and 8 1/2 or 9 when I saw the troops; I cannot say if any tallow was required that morning.

David Guerin, 2nd witness.—I live at St. Denis and was present at the battle there with the troops in Nov. 1837. I left to go towards St. Ours where the troops were coming; Mason, a former witness, was there with a gun between 7 and 8 o'clock a. m. I found Mason there when I arrived; we were distant about 4 or 5 acres from the distillery; Mason remained about half an hour; he was standing up. He afterwards went to Madame St. Germain's, and they were saying that the officer had been killed. It appeared that the report had transpired; I have known Mason since he came to St. Denis; his character is that of a thief; I would not believe him under oath.

Cross-examined.—Since I have known Mason, he has always passed for a thief; I know Dr. Nelson to be a brave, honest and good man, I cannot say if he would have kept a thief in his employ; I once called Mason a thief; he once took some cows which were his own; he came at night and took them away. Mason had taken a horse from Mr. Archambault; Mr. Archambault is connected some way with Dr. Nelson in business; I am cousin to the man who was sent to gaol the other day; Mason stole two hogs and I ordered my brother to take them away; a man who takes his own cows in the dead of the night is a thief; Mason had promised to pay for keeping them but he came and took them away; I saw Mason steal the pigs, I did not like him too much.

Pierre Guerin, 3rd witness.—I knew Mason which I now recognise; he passes for a man who does injuries. Mason took another man's pigs. I would not believe him on his oath.

Cross-examined.—Mason did that after the officer was killed; before that period, I believe him to have been an honest man. He took a horse; two cows of Mason's were at my father's and he (Mason) had promised to pay for their keeping, but he came and stole them.

Patrick Brennan, 4th witness.—Is withdrawn since he has been in court.

Francis Dudos, 5th witness.—Is also withdrawn for the same reason.

Timothy Kimber, 6th witness.—I am a doctor at Chambly; I was at St. Denis on the day of the battle; Jalbert was third in command. I have no knowledge that he had any charge of Lieut. Weir; the night preceding the battle, I was at Dr. Nelson's in St. Denis, who commanded. Mr. Weir came there about 11 or 12 at night, and he was very cold and wet; it was a boisterous night; they got supper expressly for Mr. Weir; he denied being a military man, but afterwards avowed it, telling his name and regiment. In the morning we were told the troops were coming. Dr. Nelson left to go down below, and ordered every attention to be paid to the officer; Nelson anticipated a battle, and said to Mr. Weir that if they were victorious he might rely on being well treated, and that if the troops were victorious he might join his friends; the action began at Madame St. Germain's at 9 o'clock, and I saw Jalbert arrive there when the firing began. He had a sword in his hand which was very rusty; the scabbard was of brass, and of the colour of the snuff-box now shewn to me. I saw Jalbert's sword, and drew it on the 25th Nov. I observed it was quite rusty, and he said "yes, it has been so since 1813." The rust was very old; the sabre appeared to be stained. Upon close examination, what before appeared to me to be blood seemed rust. I know Mason. When Capt. Markham was wounded, I heard reports proceeding from the distillery as from a rifle or musket. That evening Mason boasted of having fired several shots, and said he was in the distillery during the battle. I saw Jalbert at St. Denis on the 26th November.

Cross-examined.—I arrived at St. Denis on the evening of the 20th, and lodged at Dr. Nelson's. Mr. Papineau, Dr. O'Callaghan, and some other gentlemen were there. I was called to attend the wounded; I was not attached to any regiment; I passed the 23rd Nov. in Madame St. Germain's house—there was a great number of persons there. I smell burnt powder there; was there all day, sometimes below and sometimes above; I did not see what occurred outside; the troops arrived about nine o'clock. It was about that time that Jalbert arrived at the house. I left St. Denis on the 27th.

Leon Gendron, 7th witness.—I know old Mr. Cadieux, a former witness; he is very old; I have heard him say he could not see very clear; he has said so for two or three years; it was when playing draughts that he

said so, having frequently lost on that account.

Cross-examined.—I know Mr. Comeau (witness recognizes him) and I told him that I had been informed that Jalbert had killed Mr. Weir; I did not say that he did kill him, but that I was told so.

Jean Baptiste L'Africain, 8th witness.—I know Mason, and worked with him about a year at St. Denis; he is an ill natured man, and does not bear the character of an honest man.

Judge Plante, 9th witness.—I have not been in court during the trial. I am 16 years of age, and brother to Emilie Plante, a witness for the crown. I recollect of the fight with the troops and the killing of the officer. My sister was very much frightened, and she took some whiskey to give her courage. She was very much intoxicated. My sister came down stairs, and said there was a man who had just been killed outside. I went out, and in going I heard a report of a gun or pistol. My sister said that before this L'Hussier fired the pistol. The officer was on the ground. After this saw Jalbert come up on horseback. He was holding the bridle in his hands.

[The Attorney General here brings in a witness who swears that he saw the witness in court. Further proof deferred by the Court.]

The witness continues.—I am sure the officer was dead before Jalbert came up. I cannot say what he said. I was about as far from him as I am now (about 20 feet). Jalbert said that they should not have done that, for old as he was he himself might have taken the officer up in his arms. He appeared much displeased and only remained for a few moments. I swear that Jalbert never drew his sword. I saw Cadieux play at cards and draughts last fall. He lost the game because he could not see very well. There was on the day of the battle a great tumult in the village. It was said that the troops were advancing in every direction.

Cross-examined.—I am upwards of sixteen years of age. I have had no conversation with any one respecting my evidence since 1837. My father bought whiskey that morning, before the battle, and about a couple of hours before the officer was killed I did not taste it. They told me at least that it was whiskey. The jar was put under the bed. My father is in the States and has been so since the troubles, I do not live with my sister, we have been good and bad friends since then. I spoke to Mr. Lambert about the evidence I was to give. After the officer was dead, no one came to enquire for a pistol. The officer was killed about 9 or 9 1/2 o'clock.—We breakfasted about 7 o'clock and we knew at breakfast that the troops were coming—I went like many others to Dr. Nelson's to see the officer—Two hours might have elapsed before the officer came up after I left Dr. Nelson's. I was a little afraid—Had Jalbert come up during the time I was in the house, I would not have seen him. When I went out he was coming from below. There are about 10 acres between the place where I saw Jalbert and Nelson's house—I cannot say if Jalbert could have gone & returned that distance in the half hour. My sister was intoxicated. I believe what she then said—My sister might sometimes tell a falsehood on oath—She often asks me for money and I will not give her any. I receive one dollar per month. This is the only difference I have with my sister.—It was the pistol shot that finished Weir—I can say on my oath that he bit him for he was close to him—I came out just as L'Hussier finished him.

Louis du Voire, 10th witness.—I recollect about the officer being killed and of the battle at St. Denis in November 1837. I was about 45 feet distant when I heard the report of a fire arm. Previous to this, I did not see Pratt strike the officer, but I saw swords descending on him—I heard two or three times the words "my God, my God, my God," as if proceeding from a person in great agony; I did not approach near the body; after the report of the pistol, I saw Jalbert come from the direction of Madame St. Germain's on horseback; had Jalbert been there on horseback before, I must have seen him; he was about 20 feet from the body; he said "stop, stop my friends, don't hurt that man." He might have spoken afterwards, but I did not hear; I did not see him strike the unfortunate person; I do not think that Jalbert went nearer than 20 feet. Some persons arrived and said that the troops were coming up. I knew Mr. Cadieux who was my uncle and I see him very often; he told me this summer that he could see but very little.

Cross-examined.—My uncle is a very active man and his memory is good. During a part of the day of the action I was in my own house, and I went also to another concession. Though I heard the officer cry out "my God" I did not stir to assist the unfortunate. It was not safe to go forward, and it was none of my business—I was afraid. Until 5 or 6 months ago, I told nothing of what had occurred to any one, but from motives of christian charity I then revealed it.—It was not my business to go and save the officer. It was about 7 o'clock and I had not breakfasted. I had arrived 2 or 3 minutes before I heard the report of the firearms. I cannot say what took place before I arrived. When the officer passed I was in my son in law's house. It was 3 or 4 minutes from the time that the officer jumped out of the wagon till I heard the shot. I might have done the same as the others if I had not a young child to take care of.

Narcisse du Voire, 11th witness.—I recollect the day on which the officer was killed. I was in the street about 15 feet from the officer. The first thing I saw was Pratt striking him with a sword. The officer was on the ground when I came up and he appeared very weak. I was near the same place and saw L'Hussier fire on him. There was great excitement I heard. I have not been in Court during this trial.

[The Attorney General declares that he is ready to prove that the witness has been in Court, notwithstanding his denial on oath, having been so.]

Aaron P. Hart, Advocate, is sworn and declares that he saw the witness in Court both yesterday and to-day.

Mr. Worth of the Police, also swears to having seen him.

[The prisoner's Council bring the following testimony to prove that he could not have been.]

Marguerite O'Brien was in the witness chamber, and saw the boys there. I was three quarters of an hour at dinner but I returned before one o'clock. The boy could not have come up at the time stated by Worth.

[The Court prohibits the entering into this evidence, as being irregular. The witness is recalled.]

I saw Pratt strike two or three blows—also I saw the pistol fired. The officer was dead after the pistol shot. I then saw Jalbert at a little distance on horseback coming from the direction of Dr. Nelson's. The horse appeared to be galloping and Jalbert held the bridle with both his hands; I am perfectly certain he had no sword in his hand. I cannot say how far Jalbert was from the officer, perhaps 13 feet. There might have been a dozen persons around the body. Jalbert dismounted and appeared to reproach the crowd; I did not hear the words but he appeared very dissatisfied. I cannot say why Jalbert got off. He went galloping towards St. Germain's house. I know Captain Cadieux and have seen him play at draughts last year. I have heard him complain of shortness of sight.

Cross-examined.—I had not seen the officer when the shots were fired. About 12 persons were around; I was near to him, about 3 feet distant. I know that the officer was on the ground for I could see between the legs of the bystanders; I was on one side, to the right. I am 18 years of age; I cannot say if I have grown any for 2 years. The officer had on a black coat. I did not see Cadieux that day. I did not look behind me.—Jalbert could not have arrived before, without my seeing him. My attention was engrossed with the officer. Jalbert held his horse by the bridle and had nothing in the other hand. Though two years have elapsed, I can tell that Jalbert held the bridle with both his hands. I did not hear him say any thing; I was about 12 feet distant from him all the time. I did not go up to the body. The instant the gun was discharged I went away.

Marguerite O'Brien, 12th witness.—I lived at St. Denis on the 23rd November, 1837. On that day the officer was killed. I saw him pass by in the wagon with three others. The officer had not his hands tied; I left to go to the Presbytery, and when I went there, the officer was on the ground. A man raised his gun at him, but it missed fire. He primed again and fired, and the officer was dead. I was about half an acre distant. Jalbert was on horseback about 40 feet distant. He had his sabre by his side. He made no sign, nor did he give any command. I would have heard or seen him had he done so. About twenty minutes after this the battle began.

Cross-examined.—I was about half an acre from where the officer was. There might have been ten or twelve persons there, but they did not exactly surround him. The officer never moved and from that I know that he received

ARRIVAL OF THE GREAT WESTERN.

THE QUEBEC TRANSCRIPT,

AND GENERAL ADVERTISER.

Vol. II.—No. 87.]

SATURDAY, 14TH SEPTEMBER, 1839.

[PRICE ONE PENNY

TWENTY FOUR DAYS LATER FROM ENGLAND.

Affairs of Canada—Reported Marriage of Her Majesty—The Chartists—Affairs of the East—Harvest, &c.

By the steamer St. George, which arrived shortly after twelve o'clock this day, we received slips from the Montreal Herald office, containing the subjoined highly important, and, on the whole, very gratifying intelligence from England. In the Transcript of Monday, we shall give full details of all other news.

The steamer Great Western arrived at New York from Bristol about eleven o'clock on Monday forenoon, bringing twenty-four days later news. By her we have received London and Liverpool papers of the 23rd, and Felix Arley's Bristol Journal of the 24th ultimo.

The commercial intelligence brought by the Western is of a favourable character, and large quantities of specie had been received by the bank of England. The crops are much better than was anticipated, and there is every prospect of a fair average harvest. The Chartist movement appears to have much abated, and summary punishment of a few of the ringleaders has restored quiet and harmony.

Parliament was to be prorogued by Her Majesty in person on the 25th ultimo, so that we will have a speech from the Throne in a few days by the British Queen, which was to have taken place on the 1st instant. In another column will be found a notice of Her Majesty's late lord and master, together with a condensation of the obituary.

It was recently reported in London that the Marquis of Normandy is about to be received from the Colonial Office, where he will be succeeded by Lord John Russell or Mr. Fox, who is to be raised to the peerage. Mr. Stanley, the member for Edinburgh, was taken of as likely to become a member of the administration, to which he would add some strength. Its notorious incompetency induced Lord Brougham to say that he knew not another instance of a Cabinet existing for any length of time in the country, in which no member included who could even pretend to the possession of talent. Fox's Lordship says a great many bitter things, both true and false, that happens to suit his purpose, for he is desirous of any thing like moral or political principle, and his reason for giving the above epithet, for it is a truth, is because he happens to be a servant out of place. If Lord Melbourne would but make him Chancellor, there need not be, in his opinion, a more talented Ministry than the Whig.

The bill for making temporary provision for the government of Lower Canada, received Royal assent on the 17th ultimo, and an official copy of it was on board the Great Western addressed to His Excellency Sir John Somers.

The Great Western had one hundred and thirty passengers, among whom were Messrs. Smith and Cathberton of Montreal. The latter during the voyage was extremely generous, particularly about the eastern edge of the Grand Bank.

Several Yankees who had been commissioned to go to Europe for the purpose of effecting some of our more bubble schemes, have returned in the Great Western, not having been able to procure one cent. The Illinois commissioners, however, succeeded in procuring millions of dollars.

The penny postage bill has become the law of the land, and we hope its benefits will soon be extended to the Colonies. It is the only official measure effected during the session, about eight hundred applications had been made for tickets to the stands at the approach, and every post was bringing increased demands. The issue will be limited to a thousand, and it was supposed the applications would be five times that number.

Her Majesty honoured Sir David Wilkie, by a sitting for a state portrait on the 25th ultimo.

Messrs. Young and Huntingdon from Nova Scotia had an interview on the 22d ultimo with the Marquis of Normandy at the Colonies, as also Bishop McDonnell and the Rev. A. McDonnell, of Upper Canada. Bishop McDonnell of the Roman Catholic hierarchy is in England. He arrived at Liverpool Quebec on the 1st of August.

The venerable archdeacon Strachan has been consecrated Bishop of the Protestant Episcopal Church of Upper Canada. This prelate is probably return to America by the Great Western, in October.

THE CANADA.
The act for making temporary provision for the government of Lower Canada received the Royal assent on the 17th of August.

The 1st section provides that the Special Council shall consist of not less than twenty members, and no business to be done unless eleven be present.

Section 2, repeals the provision of the set of 1 and 2 of Victoria, ch. 9, preventing the making of permanent laws. All permanent laws to be laid for thirty days before Parliament previous to being confirmed.

Section 3, repeals the provision of the late act prohibiting taxation. No new tax to be levied except for public works and objects of municipal government, and such taxes not to be appropriated by government.

Sec. 4. Repeals the provision of the late act prohibiting the alteration of acts of Parliament but no law to be passed affecting the temporal or spiritual rights of ecclesiastics or the law of tenure.

Sec. 5. All laws to have a publication in the Gazette before going into effect.

In the House of Commons, on the 20th of August.

Mr. O'Connell enquired whether the Secretary for the Colonies had received any information respecting the proclamation of Sir G. Arthur against Orange processions having been disregarded in Canada.

Mr. Labouchère answered that he had not received any information farther than that the proclamation had produced good effect; and added, that he could give the house the general assurance that Sir G. Arthur would do all in his power to discourage Orangeism and Orange processions, and prevent the irritation of party spirit.

REPORTED MARRIAGE OF HER MAJESTY.

From the Morning Post of 22nd August.

It is our duty this day to make the British people an announcement which they will receive with intense interest, and we hope and believe with unanimous satisfaction. We have received from a correspondent resident at Brussels, and enjoying the entire confidence of that Court, a communication which enables us to state, in the most distinct and positive terms, that a matrimonial alliance is about to take place between Her Britannic Majesty and his Serene Highness the Prince Albert Francis, second son of Ernest, the reigning Duke of Saxe-Coburg-Saalfield.

The august Prince whom so high and so auspicious a destiny awaits will shortly arrive in this country, accompanied by their Majesties the King and Queen of the Belgians. He will arrive, we believe we may venture to say, to depart no more. He will arrive, we already hope, to impart new lustre and security to the British Crown; and to constitute the domestic happiness and sustain the social virtues of the illustrious Lady by whom, in the ordination of a gracious Providence, the British Crown is long we trust to be worn.

The Prince Albert Francis of Saxe-Coburg was born on the 26th of August, 1819. He is therefore three months and two days younger than Her Majesty.

We have reason to believe the extraordinary announcement to be utterly destitute of that which can alone give it interest—the quality of truth.—One thing is certain, that the Queen will prorogue parliament in person on Wednesday next.—Globe, 22d Aug.

We believe we can state that Parliament will be prorogued on Wednesday next by the Queen in person. Of course we do not believe that the Royal Speech will contain any allusion to the subject of the Royal Marriage, on which the Morning Post has put forth some speculations.—Courier, 22d August.

We do not abandon any part of what we stated yesterday, and beg to be understood as distinctly and firmly repeating every syllable of our announcement as to the approaching marriage of Her Majesty.

Morning Post, 23rd Aug.

THE CHARTISTS.
Most of the leaders of the chartists have been tried and found guilty, and sentenced to imprisonment from one to two years leaving the party without a head to direct their movements. Although they are still agitating various parts of the North of England, it is believed that little mischief will be done.

Those men who were concerned in the riot of Birmingham, and who were sentenced to death, have been reprieved, and will be trans-

and proceed in a body to the church, excluding thereby all pew holders, &c. Frequently they send to the clergyman a treat, and if he preaches from it they appear to be satisfied with his efforts.

Generally, the clergyman proceeds with his subject in a manner not very gratifying to the Chartists, and this leads to tumult. At Sheffield, seventy-two persons were arrested; but two only had been committed for trial. On the 18th of August they filled the old parish church in that town, and also crowded the church-yard. They had proclaimed their intention of attending the same place on Sunday the 25th and had sent a request to the clergyman to preach from 5th James, five or six verses.—"Go to, now, ye rich men," &c.

One of the chief leaders of the Chartists was the Rev. Mr. Stephens, a dissenting minister. He was recently tried at Chester, found guilty, and sentenced to eighteen months imprisonment. He conducted his defence, and made a powerful appeal to the jury.

AFFAIRS OF THE EAST.
In the House of Commons on the 22d of August, the following important announcement was made by Lord Palmerston:

Mr. Hume asked the noble lord the secretary of State for the foreign Department, whether the statement which had recently appeared in the public journals was true—namely, that the five powers had agreed on a basis for the settlement of the affairs of the East.

Lord Palmerston was glad that the hon. member for Kilkenny had asked him the question, because it would enable him to state that which he had no doubt that it would be satisfactory to the house to hear—namely, that on the 28th of last month a note had been presented to the ministers of the Porte, signed by the representatives of the five great powers, technically called a collective note, which stated that they were instructed by their respective governments to inform the Porte, that the five powers were agreed generally as to the affairs now pending between Turkey and Egypt, and that they were directed to ask the Porte to suspend any negotiations into which it might have entered with Mehemet Ali, and not to proceed therein without the knowledge and concurrence of the five powers. That note has been accepted by the Turkish government with great thankfulness. The house might therefore be assured that there would be no disturbance of the peace of the East, unless some new subject of difference arose, of which there was no prospect whatever at present.

The Thames Tunnel.—It is now reduced to a certainty that this great work will be completed, and that too within a very short period. Mr. Brunel has notified the Lord Mayor that the work is completed to within five feet on the Middlesex side.

THE HARVEST.—The most important event to the country is the probable result of the wheat harvest in England, and on the continent of Europe. In France most of the grain had been harvested, and the crops were remarkably good. In Wiltshire very little was cut up to the 22d Aug.; but the crops it is believed will be tolerably good; in the midland counties the prospect is not quite as favourable, and in the north the crops will be decidedly bad, and the harvest very late. In Mark Lane on the 19th wheat advanced 2 s. 6d. per quarter. On the whole, from personal observation, we think there will be about an average quantity harvested, should the weather for the first two weeks in September prove favorable. The accounts from the Baltic are favorable, and we think the same remarks will apply to the continent generally.

FRANCE.—The treaty between France and Mexico has been ratified.

The Duke and Duchess of Orleans were travelling through the south of France, and were every where received with marks of affection.

The fête of Napoleon had been celebrated in several districts by fire works, illuminations, &c.

SPAIN.—Is still in a deplorable condition, and there is no prospect of a speedy change. The last accounts speak of a revolt against Maroto. The Memorial des Pyrénées of the 17th August, states that all the provinces had declared against Maroto. A few days ago while on the frontiers of France, we conversed with an English officer who had just arrived from Spain—he informed us that matters were

It is understood that the public will not suffer from the stoppage of the Phoenix Bank of Liverpool. The loss to the stockholders will be some £100,000.

THE GREAT WESTERN & BRITISH QUEEN.—These admirable packets, which sailed from New York on the 1st Aug. arrived at their ports of destination after a very short passage. The Great Western arrived at Bristol after a passage of 12 days and 11 hours; the Queen at Portsmouth in 13 days 14 hours.

From the London Sun we extract the following diary of the speed of the Great Western and British Queen on their voyage from New York:—

Aug	G. W.		B. Q.	
	G. W.	B. Q.	G. W.	B. Q.
1	177	178	177	178
2	219	207	219	207
4	251	230	251	230
5	354	330	354	330
6	240	220	240	220
7	244	224	244	224
8	253	250	253	250
9	238	202	238	202
10	244	237	244	237
11	246	238	246	238
12	250	262	250	262
13	202	226	202	226
	14th, 277			

Dist. } 295 do by B. Q. } 3104 151 27
run by } } 2957 27
G. W. }

Miles . 147 124 miles gained by G. W. '6 all'd for half hour start.

Total gain of Gt. Western 118 miles.
Thus the total gain of the Great Western on the British Queen in eleven days was 118 miles, or 10 miles per diem.

* The Great Western started half an hour before the British Queen.

Commercial.

Liverpool Corn Exchange, Aug. 23.—Having had fine settled weather since Monday last, reaping in the early parts of this district is now progressing favourably, and if not interrupted by a return of rain, harvest with us will be general in the course of next week.

The duty on wheat is reduced to 10s. 8d. per quarter, on Flour to 6s. 5d. per bush, and on peas to 8s. per quarter, with the prospect of the former going down to 6s. 8d. next week. On other foreign produce the duties remain unvaried.

A decline of 2s to 3d per 70 lbs from the current rates of Tuesday was partially established.

English and Irish Flour, although still very scarce, hardly maintained late prices, and all descriptions meeting little inquiry; Foreign was 1s per barrel cheaper.

LONDON MARKETS.
From the Corn Reporter of August 23rd.

Till Tuesday night it rained heavily, but on Wednesday morning a decided improvement was visible in the appearance of the weather.

Some of the accounts received from different parts of the country speak very unfavourably of the outstanding crops—the grain which was cut as well as that still standing; but full ripe having been saturated with wet, and a letter from Lynn states that in some cases the early species of Talgara has begun to vegetate in the ear. We trust that the suspicious change which has taken place may prevent farther injury, and enable the farmer in the South to get his corn carried. In the Northern counties the crops are still too backward to allow of the sickle being brought into operation and it will, we are informed, require at least a fortnight's sunshine before harvest can become general north of the Humber.

At the maritime ports Wheat has not varied much in price since our last, but in most of the agricultural districts a considerable improvement has taken place, in some instances to the extent of 5s. @ 6s. per quarter.

The duty declined to 18s. 8d. per qr. yesterday, and a further fall of 4s. per qr. will probably, take place next week, the recent advance in prices having caused the country averages to come high.

The business done in Flour was not of much importance, but the improvement established on Monday in the price of ship qualities, was maintained. With the exception of the fall of 3s. per quarter on Wheat, and a decline of 1s. 6d. per quarter on Peas, no variation occurred in the duties yesterday.

F. S. Our market was only moderately supplied with English Wheat, this morning, the weather having however been fine since Wednesday, little disposition to purchase was evinced, and only the