

GASPÉ OF YESTERDAY

126

POTHER IN PERCÉ  
\*\*\*\*\*

Recalling the case in Provincial Court at Percé in August, 1813, for damages by an Assault and Battery on Catherine Polie by Barbara Lee and defamation of her Character.

KEN ANNETT



POTHER IN PERCÉ

[ pother, n.(origin unknown) 1 a: a noisy disturbance  
b: fuss ]

FOREWORD

In several previous articles, GASPÉ OF YESTERDAY, has reflected some of the problems of public order and justice in earlier times. The record of Court Cases from the late 18 Century onward is a rich source of information on life in Gaspesia in distant days.

The article, EARLY JUDGES IN THE DISTRICT OF GASPÉ, introduced the Honourable Judge William Crawford who was named to succeed the Honourable Judge Felix O'Hara. From the time of his appointment in 1805 until his death at Point St.Peter in 1821, Judge Crawford held annual session of Court at such Bay Chaleur centers as Carleton, New Carlisle, Percé and Douglastown.

Infrequently, a case before the Court presented some lighter domestic drama. Such was CASE #257 before the Court at Percé in August, 1813 with its cast of remarkable ladies who were definitely not "shrinking violets".

CASE #257 TERM AT PERCE, 24 AUGUST 1813

James Polie and Catherine, his wife..... Plaintiffs

David Lee and Barbara, his wife..... Defendants

Cause called. Parties appear.

DECLARATION: For the sum of five pounds currency, damage by an Assault and Battery on Catherine by the said Barbara and defamation of her Character.

2.

Plea - Not Guilty.

Evidence. Mrs. Mary LeBrocq being called as a witness by the Plainfiffs and sworn, deposes, that on a day in the latter end of last July or beginning of the present month, the Plainfiff, Catherine, was in the witness's house and was employed at her needle, when Barbara, one of the Defendants, came in, and the said Barbara desired Mrs. Polie to go along with her to Mr. Fox, the Justice of the Peace, as she wanted to shew him the knife which she, Mrs. Polie, had lately held out and menaced her, the said Barbara, with, but that Mrs. Polie refused so to accompany Mrs. Lee to Mr. Fox's house, and that they exchanged a good deal of improper language, but came not to actual blows, only that the said Barbara made an Effort to come at Mrs. Polie and strike her while she was sitting, which she would have done had she not have been prevented by the witness, a Mrs. Broderick, Mrs. Condom and a Mr. MacIntosh who were in the house, that the said Mrs. Lee clinched her fist and raised her arm so as she might be able to strike at Mrs. Polie, advancing towards her with her arm in a threatening manner, but finding from the interposition of the witness and the other persons in the house that she could not effect her purpose of beating the said Catherine, she suddenly snatched up a firebrand from the kitchen fire, apparently with the intention of throwing it at the said Catherine, or striking her with the same, but she was prevented from doing either as the witness and the other persons interposed and took it from her, that she made a snatch again at the firebrand, but finding herself hindered from using it against the said Catherine by the interposition of the witness and the other persons, she, on that, threw away the firebrand out of doors on the Beach and left the house, that the said Catherine, during

3.

Evidence. the above appeared much alarmed, that she sat part  
 (ctd) of the time, but that at the last she arose and  
 placed herself behind a stove to get clear of the  
 Defendant, Barbara, that Mrs.Polie was sitting on  
 her chair sewing at the time Mrs.Lee made towards her  
 with her clenched fist to strike at her - the witness  
 then as Mistress of the house desired the said Barbara  
 to leave her house, but this she refused to do,  
 saying that she must have her Revenge of the said  
 Catherine - at the time that the said Barbara took  
 up a firebrand, apparently to injure the said Catherine  
 therewith, the witness apprehending her to be in great  
 danger, put an Iron Shovel into her the said Catherine's  
 hands, for her defence, says she has no interest in  
 this Suit, bears no ill will or malice to the Defendant.

Mrs. Margaret DeBois, being called as a witness and  
 sworn, deposeth, that she has no interest in the Event  
 of this Suit, bears no ill will or malice to the  
 Defendants, deposeth, that on a day in the beginning of  
 August instant the said Catherine was in the witness's  
 house where she had been about half an hour, when Barbara  
 the Defendant came in accompanied by a Mrs. L'Eagle, a  
 Mrs.Clair and a Mr. MacIntosh- that Mrs. Lee immediately  
 attacked by severe language the said Catherine on  
 account of some improper discourse she pretended she had  
 used and said about the Conduct of the said Mrs.L'Eagle,  
 which Mrs.Polie denied, that Mrs.L'Eagle made an Assault  
 on the Person of the said Catherine, wringing her by the  
 nose, in which she was encouraged by Mrs.Lee and that  
 Mrs. Lee afterwards proposed to the said Mrs.L'Eagle that  
 they should drag her out of the house and take their  
 satisfaction on her. The witness forbid their using any  
 such violence to the Plaintiff, Catherine, in her, the  
 witness's house, and tried by taking her in her arms to  
 make her go out, but she refused going out in a violent

4.

Evidence. and rude Manner - that Mrs. Lee gave the said Catherine  
 (ctd) very bad language, saying she had been a whore in the  
 Bay of Chaleurs to twenty men, and that she had robbed  
 a Mr. Maby in the Island of St. John - the above  
 Mr. MacIntosh endeavoured to keep peace on the part  
 of Mrs. Lee and Mrs. L'Eagle, but finding he could not  
 do it he walked off. Mrs. Polie said the said Mrs. Lee  
 was a liar in saying so of her, but did not retaliate  
 in bad language - this happened at eleven o'clock  
 Morning and lasted about a quarter of an Hour. Mrs. Lee  
 and Mrs. Clair smelled of Liquor. They and Mrs. L'Eagle  
 then went away, but the two former returned in about a  
 quarter of an Hour, and that Mrs. Lee came in an angry  
 manner and wanted Mrs. Polie to turn out and fight, and  
 they the aforesaid Mrs. Clair and Mrs. Lee, the Defendant,  
 attempted to seize the said Catherine, had it not been  
 for the witness and one, Edmund Flynn, Junior, that the  
 said Mrs. Clair and Mrs. Lee seized the Person of Mrs. Polie,  
 the said Mrs. Clair seizing the said Catherine by the  
 mouth and the said Barbara seizing the said Catherine by  
 the Body, and then were some blows exchanged,  
 immediately before this the said Catherine, while sitting  
 on her chair, was attacked singly by Mrs. Lee and received  
 from her two kicks in the Belly.

Richard Morin being called as a witness by the Defendants  
 and sworn, deposes, that on a day in the beginning of  
 August instant the said Catherine was in the witness's  
 house and was there a few minutes and employed herself  
 knitting, when the said Barbara entered, and Catherine  
 began some discourse with her, the said Barbara, about  
 a pair of socks, and a dispute about the matter beginning,  
 the witness went out of the house, and further saith not.

Johanna Morin being called as a witness by the Defendant  
 and sworn, deposes, that on a day in the beginning of  
 August instant the said Catherine was in the witness and  
 her husband's house, when a Mr. Child was also there, and

5.

Evidence. the said Barbara entered the house, the said Catherine  
 (ctd) told her that the socks which had been made by her, the  
 said Barbara, for Mr.Child, had been made by her with  
 yarn which she had stolen - this occasioned betwixt  
 them a dispute. This was about nine o'clock in the  
 morning.

Walter Child being called as a witness and sworn,  
 deposes, that he has no interest in this Suit, says  
 on a day in the beginning of August instant he was  
 passing the house of Mr. Richard Morin and being called  
 to enter the same by Mr. Morin the witness did go in,  
 and Mr. Morin began some discourse to the witness,  
 wanted him, the witness, when he went to Québec to buy  
 him some nails. The said Catherine was also there and  
 told the witness that the yarn with which Mrs.Lee had  
 made the socks for him, the witness, had been stolen  
 by her the said Mrs.Lee, the Defendant. Mrs Lee soon  
 after entered and engaged herself in a discourse with  
 Mrs.Polie, the object of which the witness did not attend  
 to and cannot give any account of.

It is Ordered that this Cause do remain over to Morrow  
 Morning at 10 o'clock.

(signed)  
 Wm, Crawford, Judge  
 Provincial Court  
 Inferior District  
 of Gaspé

(signed)  
 Amasa Bebee,  
 acting Clerk of Court

Term at Percé, 25 August, 1813

Case # 257

James Polie and Catherine his wife.....Plaintiffs

David Lee and Barbara his wife.....Defendants

Cause called. Parties appear.

JUDGMENT. The Court, after hearing the Evidence in this Cause, finds that the said Barbara, the wife of the other Defendant, David Lee, did commit an Assault and Battery on Catherine, the aforesaid Plaintiff and that she is guilty thereof and convicted accordingly and adjudges that the Plaintiffs have for damages against the said Defendants, on their Declaration of twenty-fourth August instant the sum of Ten Shillings currency and, for Costs, the further sum of One Pound and two shillings like currency, and that the same be levied of the Defendants Goods and Chattels according to Law.

(signed)

(signed)

Wm. Crawford, Judge  
Provincial Court.  
Inferior District  
of Gaspé

Amasa Bebee  
acting Clerk of Court.



1857  
JAMES M. POLLE 24 August 1857

1857

James Polle and Catharine his wife - Plaintiffs  
David Lee and Barbara his wife - Defendants

Case called. Cases appear

Declaratory. In the sum of Five hundred currency damages & in default and failure in Catharine by the said Barbara an defendant of her character.

Plaintiff Guilty.

Witness. Mr. Harry Le Brock, being called and sworn to the said and sworn deponent, that on a day in the latter end of last year or beginning of present month, the said Catharine was in the witness's house and was employed at her studio, when Barbara among the defendants came in and the said Barbara desired Mr Polle to go along with her to Mr Fox the father of the piece, as she wanted to show him the things which she has had lately hid out and menaced her the said Barbara with, but Mr Polle refused so to accompany Mr Lee to Mr Fox's house, and that she uttered a good deal of improper language, but came not to actual blows.

Witness. Only that the said Barbara made an effort to come at Mr Polle and strike her while she was sitting, which she would have done, had she not have been prevented by the witness, & Mr Broderick, Mr Gordon and Mr Macintosh who were in the house, that the said Mr Lee Pincher her fist and raised her arm so as she might be able to strike Mr Polle advancing towards her with her arm in a threatening manner, but finding from the interposition of the witness and the other persons in the house that she could not effect her purpose of beating the said Catharine, she suddenly snatched up a fire brand from the kitchen fire apparently with the intention of throwing it at the said Catharine, or striking her with the same, but she was prevented from doing either, as the witness and the other persons interposed and took it from her, that she made a scratch again at the fire brand, but finding herself

... from where it came the said bathhouse ...  
 Interpositions of the ... and the other ...  
 ... the ... the ... out of ... on the ... and ...  
 the ... that the said ... during the above ...  
 much ... the ... of the ...  
 ... the ... and ... behind a ... to ...  
 the Defendant ... that ... was sitting on her  
 ... at the time ... made towards her with her  
 ... to strike at her ... then ...  
 the ... she said Barbara to ... but she  
 she refused to do ... that she must have her ... of the said  
 bathhouse ... the time ...  
 fire ... to injure the said bathhouse ...  
 the ... apprehending her to be in great danger, ...  
 from ... into her the said bathhouse ... for her defence  
 says she has no interest in this suit, bears no ill will or  
 Malice to the Defendants.

Court No 57 - *Term at Force 24 August 1813.*  
 James Pile and bathhouse his wife ..... Plaintiffs  
 David Lee and Barbara his wife ... Defendants

Evidence. Mrs. Margaret De Bois being called as a witness and sworn,  
 deposes that she has no interest in the Event of this suit, bears no ill  
 will or Malice to the Defendants - deposes that on a day in the beginning  
 of August instant. The said bathhouse was in the witness's House where  
 she had been about half an Hour, when Barbara the Defendant came in  
 company by a Mr. L. Eagle, a Mr. Blair and a Mr. MacIntosh - that Mr. Lee immediately  
 attacked by severe Language the said bathhouse on account of some  
 improper discourse she pretends she had used and said about the conduct  
 of the said Mr. L. Eagle, which Mr. Pile denied, that Mr. L. Eagle made  
 an assault on the Person of the said bathhouse striking her by  
 the Nose, in which she was encouraged by Mr. Lee, and that Mr. Lee affirmed

... to the said Mr. [Name] that they should keep her out of the House  
... their satisfaction or use. The witness for her then went  
... to the [Name] & [Name] in her the witness  
... she refused going out in a violent and rude Manner - that  
... she gave the said [Name] very bad Language, saying she had been  
... in the City of [Name] to twenty Men, and that she had robbed  
... in the [Name] of [Name]. The above Mr. [Name] afterwards  
... peace in the year of [Name] and Mr. [Name]. But because he could  
... not do so he walked out of the room the said [Name] was in  
... of the said [Name] and [Name] in his Language. This happened  
... about [Name] and [Name] and [Name] in [Name] of [Name]  
... [Name] and [Name] of [Name]. Then [Name] [Name] then went down  
... but the [Name] [Name] returned in about a quarter of an Hour, and that  
... [Name] [Name] in [Name]. [Name] [Name] [Name] [Name] to turn out  
... and fight - [Name] [Name] would not give out to fight, and they then  
... [Name] [Name] [Name] [Name] attempted to strike the said  
... [Name] had it, not been for the witness, and one Edmund Flynn Jun  
... that the said [Name] and [Name] [Name] the Person of [Name], the said [Name]  
... [Name] [Name] the said [Name] by the Mouth, and the said [Name] [Name]  
... the said [Name] in the Body, and then [Name] some blows exchanged immediately

Evidence. Before that the said [Name] while sitting on  
her Chair was attacked singly by [Name] and received from her two  
kicks in the Belly -

[Name] [Name] being called as a Witness by the Defendants  
and sworn deponeth, that on a Day in the beginning of August instant  
the said [Name] was in the witness's House and was then a few  
Minutes and employed herself knitting, when the said [Name]  
entered, and [Name] began some discourse with her the said  
[Name] about a pair of socks, and a dispute about the Matter,  
beginning, the witness went out of the House, and further saith not.

Mr. [Name] having been called as a witness by the Defendant  
 and sworn accordingly, that on a day in the beginning of the  
 session he saw [Name] with the [Name] and her husband, [Name]  
 when a Mr. Child was also there, and the said [Name] said that  
 [Name], the said [Name] told her that the book which had been  
 made by her the said [Name] for Mr. Child had been made by her  
 with [Name] which she had stolen - and this occurrence between them  
 is disputed, this was about seven o'clock in the morning.

Mr. Child's witness called as a witness also sworn accordingly, that he has  
 entered in this Court on a day in the beginning of the present session  
 he was, taking the names of Mr. Richard [Name] and being called to  
 enter the same by Mr. [Name] the witness did go on, and it then  
 upon some occasion to the witness, wanted him to go with him when he  
 went to [Name] to buy him some [Name] - the said [Name] was  
 there and told the witness that the [Name] with which Mr. [Name] had  
 made the book for him the witness had been stolen by her the said  
 Mr. [Name] the Defendant in a Mr. [Name] soon after entering and engaged herself in a  
 discourse with Mr. [Name] the subject of which the witness did not attend to, and  
 cannot give any account of.

It is ordered that this cause do remain over until to Morrow Morning  
 at 10 o'clock.

Wm Crawford Judge  
 Provincial Court  
 Superior District  
 of [Name]

Amasa Debee  
 acting Clerk of Court

1852

Winnipeg Dec 22nd 1852

Wm. Hall and Catherine his wife ... Plaintiff  
David Lee and Barbara his wife ... Defendant

Wm. Hall et al. ... the evidence in this case, and that the ...  
... the ...  
... the ...  
... the ...  
... the ...  
... the ...

Wm. Crawford Judge  
Provincial Court  
Superior District  
of Assiniboia

Archer Pease  
acting Clerk of Court