GASPE 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

ASSESSED TO TRAD

851

ádziki ki kirking Harrigania

Accelling the case in Provincial Court of the Court of th

PERMIT

POTHER IN PERCÉ

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

FOREWORD

In several previous articles, GASPE 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 GASPE, 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.

took bus beserved at emorater tendes eat has as

Plea - Not Guilty.

Mrs. Mary LeBrocq being called as a witness by the Evidence. Plainfiffs and sworn, deposeth, 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, apparemtly 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

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

Evidence. (ctd)

and rude Manner - that Mrs. Lee gave the said Catherine 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, deposeth, 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, deposeth, 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

Evidence. (ctd)

the said Barbara entered the house, the said Catherine 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, deposeth, 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)

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

(signed)

Amasa Bebee acting Clerk of Court.

1259 James Thie and Estimum his wife Maintigs Duvil Le and Burbarahis injo . - I efendants bause collie. Brien agnear Dellarailler . In the dance Two pounds burring danners o in infrault and l'alieni in both roum butter dans l'irba-arans defamile

I has There arter.

- Carin Guille. Oblitance " hara Je Brown to we will we intring to therein seed some deponth that on a day in the latter line of last few or beginnen to possed Menth the Mounty Cathanine was the wilness Bouse in some supplying at her exceller, when Carina and the Defendants come in the dais Carbon diesee the Colie to no ilone with her to My Jos the of the peace, is she wanter to their him the remite which where has latele hele out and menacis her the vais Berbara with, but Police returne so to accompany Mr. Lew is M. Fair House, and this the a good deal of improper Language, but come not to actually Williame. ruly that the said Barbara main an before & come at Mr. The und strike her while the was setting, which she would have done had the not have been freeming The witness, a M' Broderick, Wo Condown and well. Hachetoch who were in the House, that the said Mor for clinches her fist und reused her Arm so as the might be able to Thicke who He Hierastronning towards her with her down in a Threateneng manner, not finding from the Interpretion of the Betruit and the sthe Terrors in the House That the could not feet her purpose of beating the said batharine, The suddenly snatched up a fire brand from the litchen fire opported with the Intention of throwing it at the said bathavine, or striking her with the Same, but she was prevented from doing wither as the introp

and the other linous interposed and look it from her, That the

made a snatch a view at The fire brand, but ferding hereit

himare from toses at warme the oris botheren to Intersecretion of the telengs and the other Gross the on that Threw seems The five brand out of Doors on the beach and wife the House that the said 6. the sease the selece appear. much is land, that then it fait of the lane out that. tress other come and all ries himself between a stove to got received The Deterior theorara That Me He was delling on her shows occorna at the time elle be made toward her with her timo her tist to strake at here the weeners then workestres in the forest shours the sais Carbara to leave rie Brew but The The refusion to do. I wound that the must have her morning of the saw bathanens. It The time that the said Borown will und fire orais : promite to enjure the said betherene Therewith. the withing exprehending his to be en great " suger, fill an From Those into her the said both rowing Hands for her defen Says the has no conterest in this built, bear no ill will or Malie to the Defendants.

Willettell. Mr. Margaret De Bois hing calle as a windy and known deposit, that the has see interest in the bound of the deat, han no ill will on Malice to the Defendants - deposith that on a day in the beginning of head been about half an Hour, when Barbara the Defendant carne insumper by a Mr Pagle, a Mr blair airs a Mathabaration. That Mr See immediately attacked by sever Sanguage the said batharine on account of some improper discourse the proteins the had list and about the bonder of the said fatharine marine the bonder of the said when I had the Mr Pagle made in affault on the Pengle which Mr Isle dance, that Mr Pagle made in affault on the Pengle which Mr Isle dance, that Mr Pagle made

in present the same some blook that they whould stone her out of the House inde wish their interfaction on her. The wings forbed their ween in duran broter in to the chartleff orthonor in her the titlings & House in tree buildhing her in his clown to make her go vie ind the receive going out in a western and receive Hannes - That M The save the sun bothwine very bad Language, sering the had been and thore in the Cas of thairen to twents Men, and that the has robbes . W. Mate in the Many to In me the above Me Man Intools incommerce tion peace on the from go ket be and Met basiles bed persons he coulnot do in he walkie on a differ wie the dress that he seem wer in more of her out her no constitute in has havening the happener se dienent land Morning som lealer about a semaner of an Force of for ans Med blace or welles or Linear. Then are att 6 asie from were wow. had the in themer returns in about a quarter of an itterer, and their My Lee carno in in anine . Hanner i me wantes alla Colice to leven vil 2 and fight - Is " Toles would not her we will to fight, and they the is foresaid. He blace is no Mit les the defendance attemples to deter the sais had asserve has it now been for the witness, and one bedones Hy and Jum that the and the Class and Me Low Seined the Posson of Me Police, the said Mes This Severy the said batharene by the Mouth, and the said Burtara wining The mid bath arine in the Olody, and there were some blows each and immediately

Obt dence before the the said fathance while setting on her bhair was allustic singly by Me lev and receive from her time!

Kicks in the Belly -

Bickard More being called as a Victorial by the Hope and and several bearing of legate into the said out the area was the said out the said of the said out the said Rarian and have the after the said the said batharine began some discourse with her The said Barbara should a pair of South, and a dispute about the Halle, Inginney, the certain want out of the these, and further said not.

Alexander Horres being esther con withing by the Defendant ind duran descorate, That in a down in the Beauning of his restant the see building on the column in an the thestand there when a wir blieb was also there, and the sace I arrane societa there Houses, The saw both some low has the the which is dean made in her the saw Brown for the bliste has some man by her with afron which die has disten you this occasiones between them i destructe, this was about never to block in the shoring.

Willer Childs vicus with the a vering tree horns setouth has he has redered in the seeds deed on a seas in the desermone to he will he was a spena the House of a the Richard a Horan and bring calle to inter the same in Me Moren the entry's tis go in, most to rose or sorre western to the recently wanter him then recting when he went to surber to been him some stails ... the was a sharen was a there in too the welnos that the Brown well which with Lee had made the South for him the wilings had been Stolen in her the was All for the Delacione in a Wale soon efter enteres and engages horsely in a discourse with M" The the object of wheel the lectings die not stiens to and

His british that this have do remain over unice to Merrow Morning

Imbrawford Judge Provincial bourt

Inferior Destruct

plasse

Amasa Debee acting blest of bound

Denny 1952 American Comment of the State of Marine 1813 - Meint for Denne State of Marine his wife The Marine for the State of the

Mill Mill . See bour after irrano the bersence in the baue in that the condition in the war of the Defendant of the beautiff, and that the experience there is the and the Contract of the Cherry of the see is the story of the contract of the Cherry of the see in th

Amformaged Judy) Growneral bout Inferior Deshud I Gashe

Annasa Debec