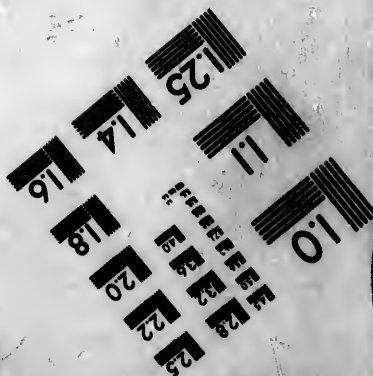
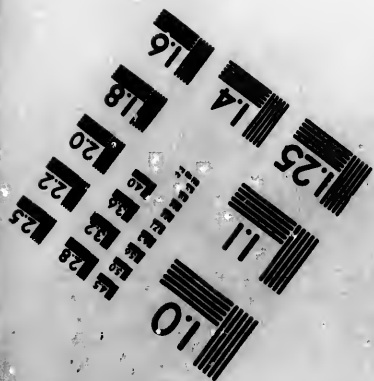
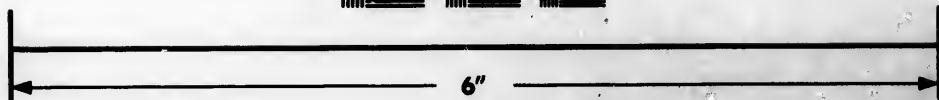
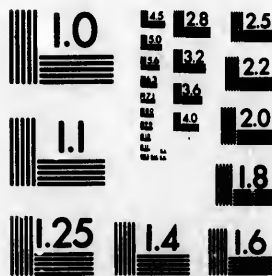


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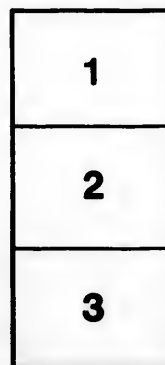
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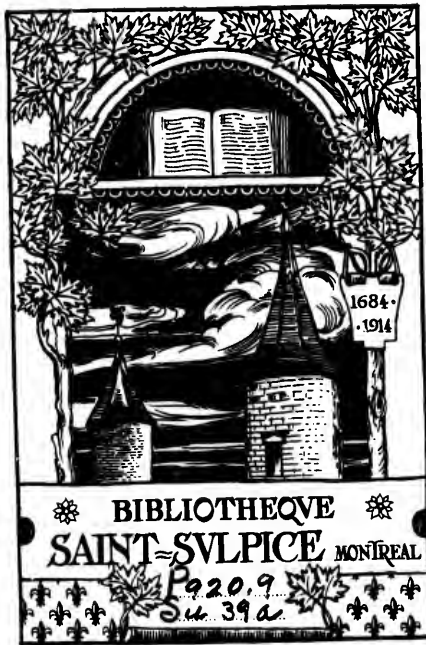
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A FULL ACCOUNT
OF THE
TRIAL
OF
AMES SUITER, Sen., WILLIAM SUIT-
TER, Jun., & JAMES SUITER, Jun.
FOR THE
MURDER
OF
LIVING LANE.
WITH
PORTRAITS
OF THE THREE INDIVIDUALS;
AND AN
ACCOUNT OF THE EXECUTION
OF
WILLIAM SUITER,
AND THEIR THREE DECLARATIONS.

Quebec :
APRIL. 1834.

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P R E F A C E.



The unfortunate individuals who are the principal actors in the events recorded in the ensuing sheets are natives of Ireland. They emigrated from the property called Gartnamoyagh, two miles from Garragh, and ten from Coleraine in the County of Derry, and arrived at Quebec in July 1830. It was intended by the publisher of this Pamphlet to have given an account of the settlement, &c. but the narrative given in the declaration of James Suiter, Senr. is so full and explicit, that such account is entirely obviated. It will be observed that an entirely different aspect is given to the case from that which was given to it by the evidence on the trial, and much sympathy has been excited in the public mind in consequence. Much doubt cannot exist as to the truth of these declarations, as they were written by Father and Son when under the full impression that they were going to suffer the penalty of the law. The reprieve was not made known unto them till about a quarter of an hour before the execution of William Suiter took place. Much discussion on this matter has taken place in the public prints, which cannot be better elucidated than by the following article extracted from Mr. Neilson's Quebec Gazette of 4th April 1834.

“ In looking back to the communication signed “ Several of your Readers” we perceive that it is insinuated that the Agent of the Seignior of St. Sylvestre (Mr. Wickstead) had given the Suitors a location ticket or deed of land of which Lane had deeds. This is we believe untrue. At any rate the insinuation, without giving any proof, was malicious and base, and it was only because the circumstance escaped us that it found insertion.

We know, however, that there is an opinion prevalent that the Suitors conceived and affirmed that they had a fair claim to the land which Lane was settling upon at the time of the murder; and this might have been explained without reference to any individuals more than must necessarily be the case. The question has an important bearing. Much animosity and frequent collision have occurred in settlements thinly popu-

ted, and at long distances from Courts and Magistrates, in consequence of misunderstandings arising from promises of land, which is held for the period of settlement duties, often on verbal or implied grounds, and even more regularly on a mere location ticket, on conditions to be performed, and afterwards decided upon by the granter, and which location ticket, not being regularly passed before a Notary, is not legally enregistered, and may be contested on various grounds. The new value given to the land by the labour of the settler, becomes also a new motive to contest the promise.

The law on this subject ought to undergo a revision, the rights of all parties be better established, and regulated by known forms.

With respect to the case of the Suitors, Lane had deeds of the land they claimed; and their Council not having brought the question before the Court on the late trial, there is a strong presumption that he could not establish their right, since it was a fair subject of reference to the Jury. Under these circumstances, we must close all discussion in this paper on the subject, but we trust that nothing to the prejudice of either party will be said in other newspapers."

Thus we have endeavoured to give a view of both sides of the question, and with the Editor of the Gazette, will drop further discussion on the subject, leaving it to the public to form their own opinions on the question.

It will be observed that some irregularity exists in the spelling of the name of these individuals. *Suiter*, it appears, from their own signatures, is the proper orthography of the name, while during the whole course of the discussion, trial, &c. it was written *Shuter*.

Quebec, 5th April, 1834.

TRIAL, &c.

COURT OF KING'S BENCH FOR THE DISTRICT OF
QUEBEC.

CRIMINAL TERM.—March, 1834.

Thursday, 27th March.

THIS being the day appointed for the trial of the Suiters, the Court was crowded to excess an hour before the proceedings commenced. The prisoners were undaunted countenances, more particularly the two younger Suiters: the father took notes of the proceedings and was in frequent conversation with his counsel, F. C. Aylwin, Esq. Having demanded an English Jury and the panel not comprising more than four persons who were acquainted with the English language, eight persons were taken from among the spectators by the Sheriff to complete the Jury.

About half past nine o'clock the Honorable Chief Justice Sewell and the Hon. Justice Panet took their seats on the Bench.

James Suiter the elder, William Suiter the younger, and James Suiter the younger, were then placed at the bar, charged with the murder of Living Lane in the Parish of St. Sylvestre, Seigniory of St. Giles, County of Lotbinière, on the 6th December last.

The following gentlemen were sworn in as Jurors: Messrs. Thomas Hunter, foreman; Horatio Carwell; John Macpherson; James Birch; William Robinson; John Martin; John Parker; Maurice Fewar; James Wright; William Whiteford; Thomas Brown; Joseph Maloney.

The Attorney General then proceeded to open the case and addressed himself to the Jury. Before he entered into the particulars of this melancholy transaction, he would beg of them, now they had assumed the office of Jurors, to lay aside all impressions which might have been made on their minds by pri-

vate conversation or articles in the public prints. Their duty towards themselves and the prisoners was to render their verdict upon the evidence which would be produced to them. The crime which the prisoners stand charged with, is the foulest in the long catalogue, namely, that of murder, a crime every where punished with death, on the authority of the Divine law itself. He stated this to them in order to show that if the prisoners were found guilty they could expect no mercy at the hands of the King's representative in this Province. He now would proceed to detail some of the circumstances of the case. Express or positive malice in the commission of the deed, would be proved too plainly against the prisoners. He did not wish to press against the life of the unfortunate individuals at the bar, more than a mere recital of facts, but it was his bounden duty to call forth witnesses and avenge the blood of an innocent man. The unfortunate deceased, Living Lane, had resided at St. Giles for a period of a year or two; the prisoners had also been residing there for some time. Lane had obtained permission to go upon No. 8. and afterwards obtained a location ticket. On the evening of the 5th December, he engaged one Russel to assist him in clearing the land and building his residence. Both Russel and himself agreed to stop on the ground all night and sleep there in order to have a long day. They had commenced working the next morning when the prisoners at the bar made their appearance, and were shortly after followed by two other individuals, Robert and David Suiter, who were included in this indictment but withdrawn by the finding of the Grand Jury. Lane was seated on a spruce log, and Russel was opposite working at a log house which they had begun. The three prisoners led by the old man proceeded directly to the side on which the deceased sat; they addressed him, and one of them bid him *marche-donc* and quit the land. The elder Suiter said also "quit the land or I'll blow you to hell." Russel will tell you that he did not see the Suiters fire, but he heard old Suiter cock his gun and immediately after heard the report and saw Lane fall. Russel anxious to obtain their assistance in relieving Lane, told them he was not much hurt; doubtless also he was apprehensive that if he told them Lane was mortally wounded, he would have shared the same fate. The first individual whom Russel met after he had gone in quest of assistance, will tell you that when he came up to the deceased he said to him, "I am sorry to see you so low." The deceased answered him, and said he had been shot by old Suiter and one of his sons who had both

od simultaneously. He would wind up his remarks by observing that the two others are equally culpable with the one who fired. It will be for you to distinguish between the criminality or innocence of the whole. It will be for you and a most painful duty it is to find them guilty if the proof is sufficient. If on the contrary they can extenuate their conduct, God let it be so, but it must be recollected that we are called upon to avenge the blood of an innocent man, and no false sentiment of pity, can justify you in acquitting them, if the evidence is decidedly against them.

The witnesses were all confined in a room and called out as their evidence was required. The first witness on the part of the Crown was Hugh Russel, who being sworn said, He resided in December last at Mr. Folkers, in the Parish of St. Giles. Had known the deceased for about six weeks, the prisoner by sight for about two years. Had worked a month for deceased, and was going to commence anew on the 6th December on lot No. 8, in the Parish of St. Giles. On the 5th went to work with the deceased, and slept on the ground that night. There was a small clearance on the lot, and deceased had hired him to help him in raising a hut. Rose in the morning about day-light, took breakfast and commenced working. Had been from ten to twenty minutes at work when James Suiter, Senr. Wm. Suiter, Junr. and James Suiter, Junr. made their appearance, and shortly after two other persons came up. James Suiter, Senr. and James Suiter, Junr. had guns in their hands. William Suiter, Junr. had a bayonet attached to some staff. Thinks it was the old man who led the way; they were walking one behind the other. When they arrived witness was opposite to deceased, close to the door way of the hut, which was between twelve and fourteen feet square, and three logs high. Prisoners placed themselves in front of the hut, on the same side as witness, and faced towards the deceased, with their arms still in their hands. Does not recollect whether witness or prisoners spoke first, but the first word said was "good morning." James Suiter, Senr. asked deceased what authority he had to be there; deceased answered he had authority from Mr. Wickstead, that he had bought the land and wished to hold it. Old Suiter and William Suiter, Junr. ordered him off and bid him *marche-donc*. Some further conversation ensued, during which deceased said "I sha'n't go"; deceased made use of no angry words. During the conversation which old Suiter had with deceased, he seated himself on a log opposite to deceased, with the gun across his knee,

Saw old Suiter take off his mittens, and make a motion as if he was going to cock his gun. When he made this motion said, to best of witness' recollection, "if you don't be off I'll blow you to hell," upon which old Suiter rose and stepped back. About this time deceased sat down on one of the logs of the hut he had been chopping, with his left side towards Suiter. When the elder Suiter stepped back he got out of witness' sight, and then he could not see either of the prisoners; and from one to three minutes after, witness heard the report of a gun close to him. Immediately after the report, witness saw deceased fall to the ground, and cry murder. Witness then ran to deceased, lifted him up, and put him on the place where they had slept during the night. As witness found some difficulty in lifting deceased, he called on the prisoners for assistance, they delayed a little, and went off without rendering assistance, or giving witness any answer. Witness made the deceased as comfortable as he could, went in quest of assistance, and passed the prisoners, when he again asked them for assistance. One of the prisoners gave him for answer, "I suppose not." After that witness went to the house of Patrick Gehardy, informed him of what had happened, and went along for further assistance. Witness did not go back to the deceased, but saw him again, when the others were carrying him on a hand-barrow to Mr. Felker's house, about a mile distant from where he had been fired at. Witness went into Felker's house, and there attended on the deceased, and remained with him until his death, which took place about three o'clock, P. M. Deceased always said "I cannot live," "How can I live," "I must die." Deceased was a married man, with a family; from thirty to forty years of age; his family resided at Felker's farm. Never heard the prisoners, before 5th December, express themselves as to any intention with regard to what they would do if any person took possession of the land which they called theirs. On the evening before 5th December, witness met William Suiter, who asked him if he was going to work for Living Lane. Upon witness saying he was, Suiter told him that some trouble would follow, and he would be in danger of the law, or words to that purpose. Witness saw Lane dead, but was not present at the doctor's examination of the body.

Cross-examined by Mr. Aylwin.—Felker was running lines for witness about the 4th December. Had lived with Felker previous to this. Had only known deceased for about six weeks. Has been living at St. Sylvestre for three years. Believes the Suiters were settled there before he came. There

were six or seven of the Suiters residing at St. Sylvestre. Heard that a law suit had taken place between Folker and the Suiters. Shuter persuaded witness not to go to deceased on account of the danger to be apprehended. There was a small clearance on deceased's land, and a small house built on it about 100 feet distant from proposed hut of deceased. It was generally known that the Suiters had worked on this clearance, but witness could not say it belonged to them. A month before the murder was committed deceased had engaged witness to work for him. Witness had told deceased something about the Suiters laying claim to the land. The reason for sleeping out all night, was that they might make a long day of it. Deceased told Shuter he would keep the land till he was compelled to leave it by law. Old Suiter spoke loud and angry, and deceased always answered him in some manner. Deceased had an axe in his hand, which he might have lifted against Suiter, but witness did not see him do so. Is well persuaded that deceased was sitting down when he received the shot. Heard but the report of one gun. Did not observe the position in which the Suiters held their guns at the time the report was heard. Distinctly saw old Suiter pull his mittens off. Told the Suiters he did not think the deceased was much hurt. It was after witness told them this that they left the ground. Sometimes persons travel with guns in their hands.

Examined anew by Attorney General.—Witness' reason for stating that deceased was not much hurt, was that he was apprehensive if he said deceased was mortally hurt, he would share his fate.

Questioned by one of the Jurors.—The two persons who came up witness understood their names to be Robt. and David Suiter.

Mr. William Colclough sworn.—Is a surgeon, residing at Leeds, seven or eight miles distant from Lane's place.

He was going along Craig's Road on the 5th December, in a different direction from St. Sylvestre, when he was informed by a lad, that a man had been shot at St. Sylvestre. He was afterwards called by the Coroner to hold a *post mortem* examination on the body of Living Lane. The body, which was then frozen, was in a good state of preservation. In performing his duty, found that a wound had been inflicted on the left side, by a leaden bullet, which had entered close to the fourth rib, and passed through the muscles of the back bone. The left arm was sprinkled with small shot, and a few were found near the hip where the bullet had entered. Had no

doubt the wound was the cause of the man's death. He opened the abdomen, which appeared to be that of a strong healthy man.

Cross-examined by Mr. Aylwin.—The wound had the appearance of being too clean to be caused by small shot. Did not think the wound had been caused by a cohesion of small shot. Wound appeared to have been caused by the discharge of one gun. The small shot had so much the same direction as the bullet, that he inferred they had both been discharged at the same time.

In answer to a question put by the Attorney-General, witness said, it was possible that the wounds inflicted by the small shot and bullet were produced by two guns being fired at the same time.

Dr. Lyons sworn.—Considered that death would be produced by the wounds described by Dr. Colclough.

William M'Grath sworn.—Resided at St. Sylvestre in December last, and knew Living Lane and the prisoners. On the 5th December, about sun-rise, he was met by Hugh Russel, in Concession No. 1, St. Frederick's, who appeared to be very much agitated, and said Suiter had shot Mr. Lane. Russel told witness to take some covering to Lane, as he was likely to freeze. Witness went with another person having a blanket with him, to Lane, who was lying down with his head leaning on his arm. Lane shook hands with witness, and witness told him he was sorry to see him so low. Witness asked him how he came by his wound, and he said, old Suiter and young Suiter had both fired at him at the same time. Witness asked how many there were of them, and Lane said there were five. Two other persons came up, when they made a hand-barrow, and carried him to Felker's. Did not see Lane again, till the Coroner's inquest was held upon him. Does not know how long Lane had been there.

Cross-examined by Mr. Aylwin.—Does not know whether Lane, when he said that the two Suiters had fired at him, was apprehensive of dying. Witness had asked Lane whether he was wounded in more places than his arm, and he said he had a charge in the small of his back. Witness has been living for some time at St. Sylvestre, and believes that Suiter made part of the clearance, and Felker another part. Never heard any thing against the character of the Suiters.

James Hagan sworn.—Lived at St. Sylvestre, next neighbour to last witness. In Decr. last was called upon by him to go to the assistance of Living Lane who had been shot.

Found the deceased lying on his side. Saw him make a motion to give his hand to M'Garth. M'G. said he was sorry to see him lying so low, and asked him who had shot him; Lane said it was old Suiter and one of his sons, who had both fired at the same time. Deceased showed M'Garth the wound on his arm, and on M'Garth remarking that it would not signify much, deceased said he had another charge in the small of his back. He appeared to witness to be apprehensive of dying, as he was moaning, and praying to the Lord to have mercy on him. Michael Kerr and Patrick Gaherty came up after this. M'Garth went away to make a barrow; and during his absence, Robert and David Suiter came up. About three days previous, William Suiter had come to witness' house, and witness asked him how it would go between Lane and his father; Suiter said he did not know, but that whoever came there might bring his sheet and coffin with him. Witness swore to William Suiter at the bar.

After putting Lane on the barrow, they carried him on it, and stopped at a house on the road to warm him, and afterwards proceeded to Felkers. No accident happened on the road.

Cross-examined by Mr. Aylwin.—Knew, by the talk of the neighbours, that Lane had got a deed of the land. Witness knew that Thomas Suiter had worked on the land and had taken two corps from it.

David Felker—has lived in St. Sylvestre 11 years—known prisoners for 3 years. Witness was not at home when Living Lane was brought to his house, but came home after, about 2 o'clock. Lane was alive at that time, but appeared to be in great suffering and was hardly able to speak; witness asked him who had shot him, and he said the Suiters, and about a minute after he said he could not live many minutes. Witness seized his gun to go in pursuit of the Suiters, when deceased said, "for God's sake don't shoot them dead." Witness brought back Wm. Suiter and said to him "William I'm sorry for you, I did not think you had so hard a heart as to murder a man in cold blood." Suiter said it could not be helped, he did not mean to murder him, he only wanted to wound. Witness said to him, I don't see how you could miss when you had such a charge in the gun, viz: a whole handful of shot and a ball. Suiter answered that he had nothing but a ball in his gun.—Witness then said of course there must have been another shot; Suiter answered, Oh! its bad enough, say no more about it.

Cross-ex. by Mr. Aylwin. Is the same person who was indicted for an assault on Thomas Suiter. James Suiter had no interest in the prosecution that witness knew of. Had also a law suit against Thomas Suiter and his father, for trespassing on the land. Suiters had threatened witness with shooting him several times; upon which witness said that if he met them in the woods armed, and he thought they meant to shoot him, he would shoot them in his own defence. None of the Suiter family ever said to witness that they laid claim to the land. Has made application for a warrant against the two Suiters against whom no bill has been found, because he was apprehensive they would burn the buildings in his absence. A variety of other questions were put the witness by Mr. Aylwin.

Jean Joseph Reny, is a Notary residing at Ste. Marie N. B. Passed a deed of sale between Felker and Lane on the 6th Nov., 1833, which was produced. Was travelling in those parts some years since, when old Suiter showed the road to him.

The Attorney General here said he would close the case, but if the council for the prisoners brought forward any extraneous evidence, he would be prepared to meet it by other witnesses.

James Suiter, senr. then made his defence, and said he had a title from Mr. Wickstead, and that David Felker had been always persecuting him and his family. He made a great many assertions with respect to his good character, and the hard work which he had gone through in supporting himself and family, but nothing in justification of the murder.

Wm. Suiter, junr. said a few words, and hoped the Court and Jury would give him fair play with David Felker.

DEFENCE.

Mr. Aylwin brought forward witnesses on the part of the prisoners.

David Suiter, sworn.—There is a trifling relationship between the prisoners at the bar and witness. Eighteen persons of the Suiter family lived at St. Sylvestre. Had occasion to pass over the lot on the day Lane was shot, on some business respecting a bridge. James Suiter, sr. was overseer of the bridge—heard old Suiter disputing with Lane, they were talking loud, and he went to see what was the matter. When witness came up, old Suiter was bidding Lane to *marche donc*,

in the King's name, from his land. Lane answered that he had paid £15 for the land, and he would keep it and stop on it this winter, and let Suiter take the law. Lane stood on a log with an axe in his hand; old Suiter was sitting on a log in the hut, and when Lane said this he drew back out of the hut. Lane said I'll let you go to the law, and that very soon. As the old man drew back, witness heard the report of the gun. Witness could see the old man's gun, and swore positively it was not his which caused the report. Old Suiter had his gun in an oblique direction with the muzzle pointed upwards, and while he held it in that position, witness heard the report. I saw two guns, there was only one gun discharged; the old man had one and his son William the other. Could not say how Wm. Suiter held his gun. Witness had heard persons chopping in the night on the land where Lane was.

Cross-ex. by Attorney General. James Suiter and Gehardy summoned him to go to the bridge. Can hear the report of a gun at the distance of a $\frac{1}{2}$ of a mile through a thick bush. Can not swear the report of an axe was heard that night; he only heard so. James Suiter, junr. had a bayonet in his hand—it was not for bridge building. Prisoners offered no assistance to the deceased; cannot say whether Russel asked them for assistance: had been suffering from a fever which affected his eye-sight and hearing, but swore positively he neither saw the old man cock his gun, nor heard him discharge it.

Robert Suiter, was then sworn—Is a nephew of old Suiter. Knows the lot of land, the clearance of it was made by old Suiter. Was going to assist in building a bridge on the 6th December, and in order to get to it, he had to pass over this lot of land, and on coming near the place, he heard a number of persons quarrelling.—He heard old Suiter tell Lane to *marche donc* in the King's name; Lane said he would stop there this winter; and old Suiter said he would not allow him to stop there and rob him of his property. When witness came up Lane was standing with an axe in his hand; old Suiter was standing also, but sat down a short time after with his feet inside the hut. James Suiter, Senr., had a gun his hand. Lane was stepping forward with an axe in his hand, cutting branches off one of the shanty logs. When Lane advanced, old Suiter got up and came out of the shanty. When Suiter came out, Lane was standing with one foot on a log and the axe in his hand. Immediately after, witness heard the report of a gun,—only one. William Suiter had a gun which witness supposed was discharged. The old man's gun was not dis-

charged, as the muzzle was down low. (David S. swore it was pointed upwards.)

Cross-ex. by the Attorney General. Never saw the clearance, and does not know who made it. He was in the clearance when he heard the noise, which alarmed him as he thought persons were wrangling. Deceased was standing listening to the prisoners; deceased was rough in his speech. Heard old Suiter say that if Lane would not go away, he would blow him into the air—could not distinguish exactly whether it was *hell* or not—thinks it was *air*. Deceased never came inside the hut. Old Suiter retreated five or six feet. David Suiter was eight or ten feet to the right of the old man. James Suiter was behind the old man with a bayonet in his hand. James never told witness his gun was loaded with ball. Instantly after Lane said he would stop there this winter, witness heard the report of the gun. All walked off and left Lane in charge of Russell.

William M'Williams—has known the prisoners for twenty years before they came to this country. They always bore a good character in Ireland.

Samuel Foregrave,—resides at St. Sylvestre, and has known the prisoners there and in Ireland; never heard anything against them.

John Sheridan,—resides at St. Sylvestre and has seen old Suiter working on the land in 1831—there was a clearing done at that time and since—a house was built also by the Suiters. He gave them a good character.

Anthony Anderson, Esq., gave the prisoners a good character.

Paul Lepper, Esq. gave James Suiter a good character.

James Hoogins gave the prisoners a good character.

John Kerr—was one of the witnesses at a trial between Felker and the prisoners, respecting lot No. 8. It was No. 8. that Lane was killed upon.

Cross-examined by the Attorney General.—Suspects it was old Suiter built the house. Saw Living Lane when he was carried on a barrow, he appeared to be in a dying state, and said it was old Suiter who had shot him.

The case closed here, and the Hon. Chief Justice proceeded to sum up the evidence, and addressed himself to the Jury as follows :

The prisoners at the bar stand charged with an indictment for murder, the highest of crimes. There is a distinction however made in the law of England, that is to say it is divided

into classes, Murder and Manslaughter and it is to these two points we shall have to direct our attention.

Murder is where a man in his right senses slays another with malice aforethought, that it is with a disposition to kill and being in the full enjoyment of his senses. When an individual forms a premeditated design it is called malice, but there are many other instances in which malice is implied by the law. When a person carries a deadly weapon such as a gun with him and inflicts death without sufficient provocation. The law of England makes this distinction, that where a man has sufficient provocation, where the blood is in a frenzy of passion, the crime comes to that of Manslaughter. Instances of this occur daily, as in a fight for instance where blow after blow is given and each party is striving to injure the other as much as possible, some unlucky blow is given by which death ensues. This is what the law calls manslaughter; but if during the contest one of the parties should draw a dagger or other deadly weapon and use it, it would betoken a malignant disposition and as such would be Murder.

Now, Gentlemen, in this case a defence is set up which endeavours to shew that the prisoners had sufficient provocation and it will be necessary for me to say a few words respecting this defence before we proceed further. The defence set up is this: that the prisoners had 3 or 4 years ago obtained from the Seigneur of St. Giles certain lots of land; they had effected certain improvements therein under the cognizance of the Seigneur, and that when Lane came to take possession, they resolved to turn him off by foul or fair means, as they considered him a trespasser. Our books are filled with precedents on this point. Where the trespass is against the property of another, law does not permit the injured party to make use of murderous weapons. If in turning off the trespasser a murderous weapon is used and death ensues, it will be Murder; but if in turning him off by fair means and a fight should ensue in which the trespassor should happen to receive an unlucky blow which kills him, it is only Manslaughter.

Admitting the whole of what the prisoners have said; admitting that Lane became a trespasser on their property, they had no right to use murderous weapons. It would be matter of very serious enquiry for you to ascertain what were the motives which induced the individual to fire the gun. If they sat out with a dangerous weapon with the intent of killing Lane, it will be murder in every sense of the word; if on the contrary you believe the last witnesses brought up, and

that William Suiter fired the gun, because he conceived the life of the old man to be in danger, it will be manslaughter. It is for you, Gentlemen, to decide upon it, and I beg you will keep these remarks continually in your minds while reflecting on the evidence which I shall now read over to you.

The learned Chief Justice then read over the evidence as we have above given it. He then continued his remarks as follows : I am not aware that it is necessary to take up your time much longer, but there are one or two points to which I would direct your attention. It is very evident that menaces were made by old Suiter, but it is not so plain that he fired. It is true the dying man declared that he did, but he might have been mistaken. It is very evident it must have been fired by some one, and it matters not who fired it : the prisoners are all equally guilty if it was fired by one of them. In the language of a celebrated criminal Judge in England, the finger of every one present is upon the trigger of the pistol when fired.

The Jury then retired at about half past six, and the Court having waited for about an hour for their verdict adjourned until half past eight, at which time it met again and the Jury entered to ask some questions, the principal of which was to ascertain if it could be proved positively that two guns were fired. The answers they received not being sufficiently explicit to elucidate their doubts, they could not come to a decision. They were in consequence remanded to the Albion Hotel, until Saturday morning at eight o'clock, as the Court did not sit the next day, it being Good Friday.

Saturday, March 29.

This morning a little after nine o'clock, the Jury came into Court and delivered their verdict in the usual form, pronouncing the three prisoners Guilty, but recommending the Father, Suiter, senior, and his youngest son James Suiter, to Mercy. Mr. Aylwin as counsel for the prisoners took an objection to the Indictment, as being informal, the murder being charged as having taken place in the Parish of St. Sylvestre, and there being no such parish. The objection was overruled, and the learned Judge proceeded, in the most impressive manner, to pass the awful sentence of the law on the unhappy culprits, addressing them as follows :

James Suiter, the older, William Suiter, James Suiter, the younger.

After a long and very impartial trial, in which every attempt has been made by your Counsel and by the Jury to rescue you from the conviction of murder, you have been found Guilty—Guilty of the highest offence in the black catalogue of human depravity—of the wilful death of a fellow creature, by malice aforethought, of one living in the same society with yourselves; guilty of no offence against you, but an honest endeavour on his part to provide for himself and family—committed against the possessor of the property which was to furnish his family and himself with the means of subsistence, you having at the same time property of your own, and he being proprietor of the lot on which this unfortunate event occurred. The crime of murder, almost from the commencement of time, has been declared by God himself to call for the blood of the murderer. He has been pleased by that infinite justice that sees the propriety of every thing to say, “who-soever sheddeth man’s blood by man shall his blood be shed.” Every civil society has passed this into their Code of Criminal Jurisprudence in obedience, to the Word of God, and in obedience to the sense of self-preservation, regarding that man who can be so totally insensible to his duty towards his fellow creature as to occasion his death as too dangerous a man to exist any longer in society, and who for the safety of society it is indispensably necessary to remove. Your conduct has been aggravated by the circumstances to which I have alluded, and if I have alluded to them at this moment, far be it from me to mean it as a reproach to you. He must be insensible to your situation and totally devoid of every sense of feeling who does not enter into all your thoughts at this moment, and feel for you as fellow Christian; far be it therefore from me to enlarge upon this now as a matter of reproach against you. I urge it in this place, in order to hold you up as an example to others. I have the preservation of society committed to me at this moment, as far as the important duty I have to discharge can prevail for that purpose; and in order to draw the attention of every one of this numerous audience to the awful situation in which you are placed; to bring home (as much as I can) to the mind of every individual present before me, the danger of submitting to the rule of passion; the necessity of repressing every sentiment—every thing that looks like anger against their neighbour, and turning their attention to the rule—that great Rule of our Creator—“You shall love your neighbour as yourself;” that you shall not meditate any wrong against him—that, above all, you shall regard his life.

as sacred as your own. I do not mean neither by any thing that I say to encourage a single idea that you ought at this moment to despair. I address you as men about to die--as men about to enter into a new state of existence, and to stand before the judgment seat of God, but as men, who I trust, are in their hearts Christians; and who consequently are under a firm conviction that, though they be shortly about to stand arraigned before that awful tribunal, there also is standing at this moment at the right hand of that God an Intercessor on your behalf--one that has been in mortal coil like yourselves---one who has been sensible to all the infirmities to which human nature is subjected---one whose mercy and feelings were evidenced through the whole course of his life passed upon earth, and one who in words that cannot be mistaken, that cannot deceive, has promised mercy and forgiveness to all who shall repent and turn to Christ. Let me then advise you at the present moment to turn the whole course and energy of your minds to that repentance by which alone you can be saved. Enter into yourselves, and for the short time that remains for you on this earth to dedicate every sentiment, every endeavour of your heart and soul towards obtaining that mercy which will be extended to you if it be sought with sincere repentance. It remains for me to exercise the severest duty that can fall to the lot of a judge, to pronounce against you that sentence which the law commands this Court to render. That sentence is, that you James Suiter, the elder, be taken from hence to the place from whence you came, and that on Monday next you be taken from thence to the place of execution, to be there hanged by the neck till you are dead, and when your body shall be dead, that it be taken down and dissected and anatomised.--As to you, William Suiter, the sentence of the Law is the same, that you be taken from hence to the place from whence you came, and from thence on Monday next to the place of execution, and that you be there hanged by the neck till your body be dead, and when your body is dead, that it be taken down and dissected and anatomised.--As to you James Suiter younger, the judgment of the Law is, that you be taken to the place from whence you came, and from thence on Monday next you be taken to the place of execution, and that you be there hanged by the neck until your body be dead, and that when your body is dead, it be taken down and dissected and anatomised.--Prisoners--May God have mercy on your souls.

Prisoners heard their fate with the same composure they

had preserved throughout the whole of the trial. James the younger prisoner, alone, shed a few tears, which with his youth excited the commiseration of the bystanders.

The Hon. Chief Justice some time after informed the prisoners that they stood respited until Friday.

Friday, 4 April, 1834

This being the day appointed for the execution of William Suiter, an immense crowd had assembled in front of the Jail by 9 o'clock A. M. and continued to increase until a few minutes after 10 when the unhappy culprit appeared on the platform attended by the Rev. Dr. Harkness and the Rev. J. Clugston. He appeared to be perfectly resigned to his fate and conducted himself with astonishing firmness. He is about 24 years of age, and the crowd appeared to feel for him and his sufferings in the highest degree. After they had arrived on the platform the following declaration was read by the Rev. Dr. Harkness.

Copy of the Confession of William Suiter, Executed the 4th of April.

"I do hereby solemnly declare, in the immediate prospect of death, and as I have to answer to Almighty God, at the great day of Judgment, that on the morning of the sixth day of December last, my mother called on me while in bed, and desired me to go after my father, as he had gone to the clearance of land concerning which, he and Living Lane were disputing, in order to endeavour to prevail upon Lane to desist from proceeding in building a log-house on it, and to leave the land quietly—that at my mother's request, I rose, took my gun in my hand, as I had been in the habit of doing when going into the bush, and proceeded towards the clearance, and that on my way thither, I called at my brother James' shanty and requested him to accompany me, which he readily did. We did not come up to my father till he had actually entered upon the clearance; shortly afterwards a good deal of altercation took place between my father and Lane, my father insisting upon his right to the land, and Lane declaring that he would not leave it, but keep possession of it. About half an hour or three quarters of an hour after we arrived on the land, Lane came forward on the logs which had been piled up three deep for the commencement of the intended log-house, and placed his left foot on the top of them in a menacing manner, with an

axe in his right hand, in such a way as led me to dread that he intended to throw it at my father—and on seeing my father retire or draw back, as if through fear of what might happen, I immediately discharged my gun with the intent of maiming the leg on the log, and saving my father's life ; but with no other intent whatever, neither harbouring malice against the deceased in my heart, nor having any premeditated mischief against him. Had it not been for David Felker and Mr. Wickstead, I should not now be in my present awful situation. But I freely forgive them, and all others who have injured me, and pray that God may also forgive. I acknowledge the justice of my sentence, though I must persist in declaring with my dying breath, that I had no intention of killing Lane. I mourn bitterly for what I have done, but trust that the widow and the orphan will find a friend in God. My father and brother are innocent of the crime for which they were condemned to suffer.

“ I publicly confess that I have been a great sinner, and too often neglected my religious duties, but the crime for which I am about to suffer is the only one of a deep dye of which I feel conscious. I return my thanks to the Clergy, the Sheriff and Gaoler, &c. for the great sympathy which they have shewn me ; and feel particularly grateful to our Counsel, Mr. Aylwin, for his exertions in our cause. I recommend my mother and all my dear relations to the mercy and keeping of God, and I trust that my untimely fate will be a warning to them and all others to guard against and restrain the first risings of passion, which too often leads, as in the present instance, to fatal consequences. I die in peace and charity with all men, and my only hope of pardon and acceptance with God, is through the merits and meditation of the Lord Jesus Christ, who is my strength and my Redeemer.

(Signed,) “ WILLIAM SUITOR.

Quebec Gaol, 4th April 1834.

“ I do hereby further declare, that as I have to answer to God, I did not charge the gun for three quarters of a year before I discharged it at Lane ; and I also solemnly declare, that I do not know who put in the charge which I fired on the melancholy occasion.

(Signed,) “ WILLIAM SUITER.”

" I further declare, as a dying man, that the bayonet fixed on the stick, which my brother James had in his hand, was brought from Ireland, and fixed on the very same stick, to the best of my knowledge, after our going to the Bush, the people having persuaded us that it was dangerous to go in the woods without some weapon to defend ourselves, in case of meeting with wild beasts.

(Signed,) " WILLIAM SUITER.

After this declaration was read, the unhappy culprit gave the signal and his spirit went to " that home from which no traveller returns." The arrangements made by the Sheriff were highly judicious and displayed much good feeling. Instead of the crowd being gratified by the revolting spectacle of seeing a fellow creature in the last agonies (which however in the present instance were not great, as the culprit died without a struggle), the boards round the scaffold were so high that no part of the body could be seen.

The following declarations were prepared by James Suiter, Sen. and James Suiter, Jun. the day previous to the execution, in the full conviction that ere 24 hours had elapsed they would be numbered with the dead!



Last Declaration of James Suiter, Senr.

I do hereby solemnly declare as a man just about to enter into eternity, and as I have to answer to God at the great day of Judgment, that on the morning of the 6th December last, the day on which Living Lane unfortunately was shot, I left my house about one hour and a half before day light alone, took my gun in my hand (as is the usual practice with people going into the bush) and proceeded to the clearance of land, which I had made on St. Frederick's Range, Parish of St. Sylvestre, on which I had erected buildings, and from which I had taken two crops, and to which I conceived myself to have the best right, having a written document from Mr. Wickstead, being as follows: " The bearers James Suiter and Thomas Hardy may take any number of lots above No. 10 opposite Felker's Mill."

(Signed,) G. W. WICKSTEAD.

And I further conceived myself to have the best right to said land, because I hold a receipt from Mr. Wickstead, in which

he acknowledges the receipt of nine dollars from me on account of nine lots, of which of course I am supposed to have been in possession at the time by Mr. Wickstead, or if not in possession of the whole, to have the power, or right, or permission is granted to me by the aforesaid document of picking out for myself in any range beyond No. 10, the quantity of land sufficient to make up nine lots, which would contain 810 acres—whereas Mr. Wickstead declares in a letter published in the Quebec Mercury of the 1st inst. that “He never gave the Suiters or any of them any promise either verbal or written, express or implied, or any location ticket, deed or title of any land whatsoever, except the 630 acres of which they have deeds passed before F. X. Pousant, N. P., &c.” Now 630 acres are only equal to 7 lots, and the copy of the letter above adverted to, addressed to A. Mc Kee, proves beyond power of contradiction, notwithstanding Mr. Wickstead’s strong assertions in his letter published in the Mercury—that he had actually received nine dollars in part payment of 9 lots.

But I forbear to say any thing further on this subject; these are the facts, and I unhesitatingly leave it with a discerning public to pronounce a verdict, knowing that they will do justice as they love mercy. As I have said, I took my gun in my hand and proceeded alone to the clearance with the view certainly of endeavouring to cause Lane to desist from taking forcible possession of what I conceived to be my property, to leave off attempting to erect a log house and to return home; but (God knows) without the least malice in my heart towards him or any forethought of evil against him. While therefore I acknowledge the justice of the sentence passed upon myself and my unfortunate boys, and thank the Judge for his impartiality in summing up the evidence against us, and for the feeling manner in which he passed the sentence of the law, and also the Jury for their long and patient consideration of the evidence before giving in their verdict, (which I believe was a verdict according to conscience) yet I must declare that the crime of *Murder* was never either contemplated or perpetrated by any of us.

I leave my best blessing with my last farewell to my dear wife and my dear children. The grace of our Lord Jesus Christ be with you all and rest with you all in righteousness, justice, wisdom and truth. Seek God early, it is surely the straightway to heaven, God will bless you by so doing; serve your neighbour at every time you can being either Brother or Sister to us all. I die in peace and charity with all men, and

forgive all who have done evil or wished evil against me, and particularly those individuals who have been the cause of now bringing me and my boys to an ignominious death. I forgive them I trust with the spirit that our Saviour forgave his enemies. I never wished evil to befall man, but I humbly acknowledge and lament that I have too often sinned, wickedly sinned against my holy and heavenly Father, otherwise I am persuaded he never would have given mine enemies such power over me as to bring me into my present deplorable situation. O! be it your study, my dear wife and children, to pray earnestly for repentance and forgiveness for them as well as yourselves. Mind the Lord and he will keep you upon that heavenly and straight path which leadeth to the land of uprightness, I thank Almighty God for all his undeserved mercies. I sincerely thank the Clergy, the Sheriff, the Gonler, &c. for their great sympathy and unwearied attention, and I request Mr. Aylwin to accept the best thanks of a man in my situation can offer, for his able and zealous professional services. My hope is alone in God through the merits of my Redeemer. I trust through the efficacy of his peace-speaking blood which is able to cleanse from all sin, I shall yet see God's face in mercy.

(Signed,)

JAMES SUITER, Senr.

Quebec Goal, April 4 1834.



Last declaration of James Suiter, Jun.

I do hereby solemnly declare as I have to answer God at the Great day of Judgment, that on the morning of the 6th Dec. last, my Brother William called at my shanty and told me that he was going after his father, who had gone to the clearance in dispute between Living Lane, and asked me to accompany him, that I did so immediately, but we did not come up with him till he had entered the said clearance—That my Father did not call on me in passing—that a warm dispute or high words passed between my Father and Lane. My Father mentioned that he had a right to the land, and that he would not suffer any person to take possession of the land, which he was conscious of right belonged, and of which he had been in possession for three and a half years, and from which he had taken two crops. Lane mentioned that the land was his, and that he was determined to keep possession of it. Lane, after we had been about half an hour or three quarters of an hour on the

clearance, stepping forward and placing his left foot on the logs, which had been piled three deep for the commencement of a log house, and look wildly or angrily at my father, while he held in his right hand an axe. I then perceived my father draw back as it to avoid a blow aimed at him, and at that moment I saw William fire the gun which shot Lane, that I verily believe as I am about to die, William had no intention whatever of taking Lane's life, but only of wounding him, so as to prevent him hurting my father—that I myself had no malice in my heart against Lane, and that I never pre-meditated the doing him an injury, that I acknowledge we all had a fair and very impartial trial—that I believe both Judge and Jury acted according to conscience, and I admit the justice of my sentence. I lament exceedingly that I have been a great sinner and have too frequently neglected my religious duties, particularly that of prayer to a throne of Grace: and I hope and trust my unhappy fate will be a warning to others, especially to the young, and induce them to make "celestial wisdom their early only choice." I freely forgive all who have injured me or wished me ill, and I pray from my heart that God may also forgive them.

I die in peace with all men—I sincerely thank the Clergy, the Sheriff, the Gaoler, &c. for their great kindness and attention to me and particularly to Mr. Aylwin for rendering every assistance in his power as our Counsel.

"Now in mine innocence I trust
 "I bow before thee in the dust,
 "And through my Saviour's blood alone
 "I look for mercy at thy throne."

(Signed,) "JAMES SUITER, June

Quebec Gaol, 4th April 1824.

ADMITTED
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