

Report of Capital Convictions had at the Court of Kings Bench holding Criminal Pleas in and for the District of Montreal, from the 28<sup>th</sup> day of August last to the 9<sup>th</sup> day of September instant, both days included, before the Chief Justice and Justices of the said Court, now submitted to the consideration of His Excellency the Governor in Chief

Dominus Rex.  
Moril<sup>r</sup> Magoon

Sur Indictment for Forgery

It appeared by the evidence in this case, that in the fall of the year 1824, the Pris<sup>r</sup> employed a Mrs Statson to purchase a bill for him on New York for Ten pounds, with directions to have it drawn payable to Mr John Jones — this bill she obtained from the Montreal Bank and delivered to the Prisoner — About ten or fifteen days afterwards, the pris<sup>r</sup> returned to the house of Mrs Statson with one Downie, who produced the bill partly burnt, saying an accident had happened to it, by a child putting a candle to it, and requested this woman to get the bill renewed, by obtaining another of the same tenor from the Montreal Bank — this was done — and this second bill was delivered to Downie in the presence of the Pris<sup>r</sup> both of whom appeared to have an interest in the same. —

One of the witnesses, John Little, stated, that afterwards in January 1825, he met the prisoner at Dunham, in this District



District, at the house of one Lewis, — that here the Prisoner produced a draft drawn by the Montreal Bank on Messrs Prime, Ward Sands & Co of New York in favor of one John Jones for ten pounds, which bill the Pris<sup>r</sup>. said he intended to alter from Ten pounds, to One thousand pounds, and to negotiate it at the Plattsburgh Bank — and offered the witness 1000 dollars if he would so negotiate it — The wit<sup>s</sup> saw the Prisoner alter this bill, by extracting the ink of the words, "ten pounds", by means of some chemical process, in lieu whereof, the words "One thousand pounds" were inserted by the directions of the Prisoner. The wit<sup>s</sup> afterwards carried this bill to the Plattsburgh Bank, where it was negotiated by him, and he received 3500 dollars in a post note, and 500 dollars in bills of different denominations of that Bank — the witness signed the name of John Jones on the bill as the payee thereof — the witness was to have one thousand dollars for his share in this business, and the other three thousand were to be at the disposal of the Prisoner.

This bill so negotiated at the Plattsburgh Bank was proved to be the identical bill given to Mrs Statson by the Montreal Bank in Decr 1824, for Ten pounds, and which had been altered as above to £1000. —

The Prisoner, with Downie, and Little, came afterwards to the house of Mrs Statson when a question arose among them about dividing the money which had been received from the Plattsburgh Bank — each of them appeared disposed to magnify the trouble



trouble he had had about travelling into the United States, and otherwise about getting the original bill altered, and this with a view, not only of obtaining a greater share of the 500 dollars, but also to avoid the risk of going to Boston to receive the amount of the post bill.

This was the principal part of the evidence for the Crown -

As the most material part of this evidence consisted in the testimony of the witness, John Little, an accomplice, it was attempted to discredit him as much as possible, by endeavouring to prove that he had been convicted of felony and other offences and had in consequence been imprisoned in the Gaol of Charlestown in the United States - this, Little on his oath denied, nor did any of the witnesses on the part of the Prisoner prove it, but some of them said that they considered Little to be an idle fellow and had the reputation of being concerned in the counterfeiting business. - The credibility of the witness was necessarily left to the Jury to judge of it, according as it should appear to them to be corroborated by any other testimony and to merit belief. - The Jury after a short deliberation returned a verdict of Guilty against the Prisoner, who was in consequence adjudged to be executed on the 27<sup>th</sup> day of October next.

In regard of the Prisoner, he is an old and a notorious offender, and nothing appeared in the course of this trial that can be considered in his favor, nor be urged as a reason to mitigate his punishment. -



Montreal 29<sup>th</sup> May 1824.

Sir

The offence of which the petitioner, Moril Magoon has been convicted, is of a very serious nature and of dangerous consequence in Society, and although he was acquitted of the Capital charge, yet there could be little doubt of his guilt. — He was the principal mover in the forgery in question — he procured a bill at the Montreal Bank for £15. — which was altered to £1500. — and in this state he put it in circulation by giving it to an associate to be negotiated at New York — it was negotiated there and the whole money received, of which the petitioner had one half as his share of the spoil — The petitioner is besides considered as a man of bad character, of idle and irregular habits, and without any apparent settled means of gaining his livelihood — Under these circumstances we cannot recommend to His Excellency The Governor in Chief to grant the remission of the sentence as prayed for, but must leave it to the consideration of His Excellency to determine how far the grounds stated in the petition of the Prisoner can entitle him to the Royal mercy. —

We have the honor to be

Sir

Your most obed<sup>t</sup> Serv<sup>t</sup>

Wm. H. B.

J. H. B.

George Pyke  
J. H. B.

Andrew Wm Cochran  
Secy<sup>r</sup> Gen<sup>l</sup>  
Quebec

I cannot in Justice to the interests  
of Society at large remit the punishment  
awarded against this man,

D  
1 June 1844



To His Excellency Sir Francis Burton  
Lieut. Governor &c &c

May it please your Excellency

Having examined the petition of Morril Magoon, referred to me by Your Excellency, and having considered the circumstances of the Case as they appeared at the trial of the petitioner, — I have the honor to state to Your Excellency — That the alledged innocence of the petitioner cannot well be admitted as a ground for the exercise of any clemency towards him, in the face of a legal conviction — that although some of the witnesses adduced in support of the prosecution against him, were persons of bad character, which was duly noticed at the time, yet there was a variety of circumstances disclosed on the trial, which led the Jury to a conclusion of the Petitioner's guilt, and the Court was not dissatisfied with their verdict; nor have any facts since come to my knowledge, or that of the other Judges, which can induce them, or me, to be now of a different opinion. — The crime established against the petitioner, is of great public injury, and of daring enormity, in passing a bill of exchange which had been falsified and altered from fifteen, to fifteen



fifteen hundred pounds, to the detriment of innocent men who paid this money, who are now without the hopes of ever recovering any part of it. — Public Justice required that such an offence should be marked by exemplary punishment, and the Sentence of the Court was calculated to meet that impression — And I do not consider that public Justice has been satisfied by the hitherto partial execution of that Sentence. —

What is stated by the petitioner respecting the services of himself and family, and the sufferings of that family under his present confinement, are circumstances upon which I am unable to report, or to give an opinion; if well founded, they are calculated to excite a just compassion in his and their favor, in which the voice of humanity must join — but they can no where be so well appreciated as in the humane feelings of Your Excellency. —

All which is submitted to Your Excellency's consideration, by

Your Excellency's

Most obed<sup>t</sup> and  
very humble serv<sup>t</sup>

J. R. P.

Montreal 1<sup>st</sup> Sept 1824