

**File 97**

**19 April 1828**

**Depositions of James Herbert and John Byrn**

Province of  
Lower Canada  
District of  
Montreal  
County of  
Leinster

Rawdon  
L.C.

Supplemental

re J.E. Burton Affair

October 27, 1827 <sup>1</sup>

Before me Alexander Mabbut Esquire one of  
the Justices of Peace of his Majesty George the  
fourth residing in the parish of St. Pierre du  
Portage in the district and County aforesaid  
have appeared James Herbert <sup>2</sup>  
and John Byrn <sup>3</sup> of the Township of Rawdon  
said County and district farmers who have  
voluntarily declared and deposed being  
sworn upon the holy Evangelist that they the  
said deponents were present on the eighth day  
of October 1827 the day that the Reverend  
James Edmund Burton and John Jeffries  
of Montreal butcher land holders in said  
Township and County met upon the boundary  
line between their respective properties for the  
purpose of finally settling and rectifying any  
inaccuracy that might be in said Line  
or boundary And Deponents further declare that  
Deponents were brought on the land said day  
by the said Rev'd James Edmund Burton for

the purpose of witnessing the business of that day  
& were present the whole of the time that  
the Reverend James Edmund Burton  
& said John Jefferies remained together upon  
that occasion And that the said Reverend J.  
E. Burton did not then or there or any other  
person or persons present strike push  
beat batter or assault in any way or manner  
whatever the said John Jefferies And the said  
deponents further declare that the said John  
Jeffries had no legal ground or reasons what  
= ever to indict the said Rev'd James Edmund  
Burton Ø for any occurrence or ^ transaction  
that took place on the said eighth of October  
1827 seven And Deponents further depose that  
the said John Jeffries was in the first instance  
was accosted in the most peaceable gentle &  
respectful

Ø  
or any person or  
persons belonging  
to the said Rev.  
J. E. Burton

^ any

manner by the said Rev J E Burton and that  
the said John Jeffries used the most scurrilous  
& shameful language to his Clergyman  
the said Rev'd James Edmund Burton and at  
one time put his right hand into his left breast

coat pocket apparently to search for a pistol or  
pistols (which the said John Jefferies constantly  
about him) for the purpose of shooting  
the said Reverend James Edmund Burton or  
some of his family or companions. Deponents  
lastly declare and depose that the above affida  
=vit is true and correct in all its parts & in  
every particular in testimony of which  
Deponents have signed their hands &  
these presents being first read by Deponents

James Herbert  
John Byrn

Sworn before me at the  
village of L'Assumption  
the 19<sup>th</sup> of April 1828 eight  
Alex'r Mabbut J.P

True Copy  
initialed

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<sup>1</sup> This date (and the remark above it) was inserted by a clerk or archivist and the date is that of the incident described and not the date of the document, which appears at the end of the document, 19 April 1828.

<sup>2</sup> Herbert, as noted in File 63 & 64 was located at 6 / N 11

<sup>3</sup> There were three men named John Burns living at Rawdon at this time – a father and son at 4 / 21 and a third man whose relationship to them is uncertain who resided at 3 / 21. This third man was from County Wexford had three brothers William, Dean and Patrick. The spellings Byrn, Byrne, Byrnes, O'Byrne and Burns are used in records from this time. The family ultimately adopted the Burns spelling. All the Burns families were members of Burton's parish.