

13th December, 1866

The Queen vs. Elijah Youngs - For larceny.

Charles Benn: I live in South Fredericksburgh, and am a blacksmith. I have a workshop rented there. The tools are mine. I work there. I have been there two years next March. I know the prisoner. He lives about $\frac{3}{4}$ [of a] mile from my shop. My house is near the shop. I missed tools from the shop frequently during the summer and since the hay harvest. I kept a watch on the place. About November, I missed a rasp, file, saw, plate and pincers. These were the last articles lost. I missed them shortly before the arrest of the prisoner. He was arrested about the 1st of November. I had seen the prisoner near the shop about that time. I suspected who stole them. I got a warrant to search the prisoner's house and went there with Constable Whitcomb. I told the prisoner that I had lost tools. I wanted to search for them. He said we were welcome to search. We did so and found the articles mentioned in the indictment, hid under the stairs, under a pile of boards used to stretch eel skins. The articles produced are the same articles. They are mine. These are those articles which were found in the prisoner's house. He said he did not know how they came there. Perhaps Bill Dennee had found them and brought them there. These articles were stolen from my shop.

Cross examined: Youngs himself was at home when we went there, and a little girl. The family consists of the old man and Anna, a little girl, Bill Dennee, a lad who belongs to the old woman and sometimes Sylvester Youngs, the prisoner's son. The prisoner keeps a small tavern on the bay shore. The tools were found in a building adjoining Youngs' house, an unfinished house belonging to Youngs. Any person might have gone in there. The old man seemed quite willing that we should search the place and was surprised that we found them. Youngs had some hinges to fix when the theft took place. They were at my shop and also some pieces of iron of the prisoner's. I also missed a rasp and pincers which were not found at Youngs' place. I said to Youngs that probably Dennee might have left the things there. My shop is locked when I am away, but the lock has been knocked off twice. The screwplate is a homemade one, different from those usually made.

Cross examined: The prisoner had corn and things in the house where the things were found. Youngs is not a blacksmith, nor is Dennee.

Martin C. Whitcomb: I am the chief of police. I know the last witness. He had a search warrant which he placed in my hands about the 1st of November. We went to the prisoner's house to search for some blacksmith's tools, pincers and files. We saw the prisoner there, searched, and found the articles produced under the stairs. There were some boards to stretch skins and traps over them which had to be removed before we could see them.

Cross examined: When we went there, we found the prisoner and a little girl. He said we might search, but there was nothing there. There was a new building adjoining to and connected with the house. We found the articles in the new part. It was said between the prisoner and Benn that Dennee might have left them there. Anyone might have left the tools there, might have got in from the street. He said that he knew nothing about them. Benn said all he wanted was his tools. Prisoner said that he would see Dennee and get the rest of them if he could.