Pierre Raimbault: Criminal Justice and Slavery in Montreal

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Pierre Raimbault was a Montreal-based judge who had a unique role within the institution of slavery in Quebec. Raimbault was born on 11 October 1671 in Montreal and died on 17 October 1749.[1] He took after his father Claude Raimbault's profession and became a cabinet maker, thereafter pursuing a career as a businessman in France from 1681 to 1696, before returning to Montreal with his first wife, Jeanne Francoise Simblim.[2] In 1697, he began his career as a notary, then was made royal notary in 1699 and appointed King's Attorney in 1700.[3] In April of 1727, Raimbault was appointed Lieutenant General at the court of Montreal for civil and criminal affairs, for police, trade, and navigation, a post which he held until his death.[4] With his impressive legal career combined with his wealth as a businessman, he accumulated many lavish possessions including the largest collection of books known to belong to any one individual at the beginning of the eighteenth century in Quebec.[5] Additionally, he acquired twelve enslaved people, both black and panis.[6] His house, which also acted as a courthouse, was located in the alley of Place Royale the Saint Paul street, 147 Rue Saint Paul.[7] (fig. 1 & 2) When he died, he left two properties in Montreal as well as the La Moinaudiere fief at Lake Champlain.[8]

Raimbault's involvement in slavery was myriad. In addition to owning enslaved people, he oversaw numerous legal transactions and affairs concerning enslaved people and the law in New France as a judge. New France applied the same penal law as France. Starting in 1670, a royal ordinance outlined the procedure that should be followed to determine an individual's guilt and his subsequent punishment.[9] At this time, it was the Lieutenant General who presided over the tribunals under the royal jurisdiction, where most of the criminal cases were tried.[10] Raimbault was the judge of the tribunal in Montreal, while there were also appointed judges in Trois Rivières and in Quebec City.[11] Raimbault and the other judges in the respective locations in New France were responsible for the questioning and the trying of defendants.[12]

When an accused person was arrested, they were taken to prison however, prisons only appeared in New France in late seventeenth century.[13] The prison in Montreal was located between Saint Laurent East, and West of Saint Sulpice, at 21 Rue Notre Dame Ouest.[14] The prison was only used as a place to secure the prisoner and to hold the accused until justice could be done.[15] At this time, prison sentences did not yet function as a means to punish convicted criminals. Instead, punishment was generally carried out the same day as the sentence was pronounced.[16] A key difference between the penal system then and now is that the accused were considered guilty until proven innocent and had no rights to a lawyer. Therefore, there was no hesitation about using torture to force a confession from the accused.[17] Since Raimbault was the judge who ultimately decided whether one was innocent or guilty, he was also invested with the authority to instigate such torture which was designed to obtain confessions.

In New France a number of acts could result in the death penalty, such as accusations of murder, dueling, theft, arson, abortion, rape, indecent assault, desertion, treason, forgery and homosexuality.[18] Punishments were carried out for everyone who committed a crime in New France, however, Indigenous (panis) or black enslaved people would often be punished more severely since they had no basic human rights or freedoms to begin with.[19] Enslaved people could also be used to settle legal disputes, because they were seen as property to be sold, bought, or traded.[20]

In 1732, a panis enslaved man named Pierre was the subject of a legal struggle which obliged Raimbault to approve the distrain and order Pierre's sale.[21] Philippe You de La

Decouverte, the Pierre's initial owner, appealed Raimbault's decision and alleged that the sale should be declared "invalid and harmful to religion" because Pierre as a panis was also a Christian.[22] Similar to how fugitive slave advertisements humanize the enslaved person in the sense that they acknowledge their individuality, personhood, and value, La Decouverte's "humanized" Pierre by arguing that Raimbault's judgement was invalid because it was wrong to sell a "Christian". Within the institution of slavery, slave owners customarily only had regard for the labour of their enslaved, and not for them as human beings. Consequently, when owners listed the qualities of their enslaved people in a fugitive slave advertisement or deemed them to be Christians who should not be sold like cargo or chattel, it was solely for their own benefit of finding or keeping their enslaved people. La Decouverte additionally claimed that Charles Nolan Lamarque, the buyer of Pierre, should return the purchase price of 351 *livres*, and that Raimbault should be summoned before the council for having ordered "the sale of a Christian on the marketplace."[23] Nonetheless, Raimbault's judgement was confirmed because it was in accordance with the ordinance that legalized the enslavement of blacks and panis, thus, Raimbault had created a precedent.[24] When Pierre died in 1749, he was still the property of Nolan Lamarque.[25]

The most famous case that judge Raimbault was appointed to adjudicate was that of Marie Joseph Angelique, a black enslaved woman who was accused of setting fire to the original fortified city of Montreal. On Saturday 10 April 1734, the fire burnt down forty-six buildings, mainly homes as well as the convent and hospital of Hôtel-Dieu de Montreal (fig. 3). On the evening of April 11th, Angelique was taken to the prison where she would spend the night while authorities prepared their case against her.[26] The prison had a small courtroom attached to it where some of the trial would take place, while other parts of it took place in Raimbault's home which was also used as a courthouse.[27] Raimbault first conducted the interrogation throughout which Angelique, although she was tortured for hours, maintained that she did not set the fire.[28] Raimbault then conducted the deposition where witnesses were heard separately. However, many admittedly had not seen the fire, nor did they know Angelique.[29] Raimbault then held a hearing wherein the witnesses had to appear a second time before him while the clerk reread their testimony.[30] At the confrontation portion of the trial, Raimbault chose certain witnesses to confront Angelique in the hope that she would finally confess.[31] This stage of the trial took place from 12 May – 4 June 1734 and Angelique discovered who had testified against her and what their testimony entailed.[32] On the morning of 21 June 1734 at 7 o'clock, Raimbault pronounced a guilty verdict against Angelique for setting fire to forty-six buildings.[33] Angelique never confessed to starting the fire, and no one had actually *seen* her set the fire, but Raimbault decided he had enough evidence to conclude that she was guilty.[34] Angelique's trial was one of the most gruesome and telling of Canada's participation in slavery.

Pierre Raimbault, as the advisor to the King and civil and criminal Lieutenant General of the royal jurisdiction of Montreal had a unique and dominant role, not only as a slave owner, but also as an individual who maintained the legality of slavery in Montreal. When the region that would one day become Canada was colonized, the laws were constructed to elevate the white Christian population, and oppress indigenous and black people, enslaved and free. While Judge Pierre Raimbault would have been recognized as an honorable man in his time, his hand in the punishment of the enslaved as well as the upholding of the institution itself, serves as further proof and recognition of Canada's undeniable role in Transatlantic Slavery

1 Robert Lahaise "Raimbault, Pierre," <u>Dictionary of Canadian Biography</u> (date of last access 28 March 2020) http://www.biographi.ca

2 Lahaise, "Raimbault, Pierre," (date of last access 28 March 2020).

3 Lahaise, "Raimbault, Pierre," (date of last access 28 March 2020).

4 Lahaise, "Raimbault, Pierre," (date of last access 28 March 2020).

5 Lahaise, "Raimbault, Pierre," (date of last access 28 March 2020).

6 Lahaise, "Raimbault, Pierre," (date of last access 28 March 2020), and Denyse Beaugrand-Champagne, and Leon Robichard, "Pierre Raimbault," <u>Torture and Truth: Angélique and the Burning of Montreal</u> (date of last access 28 March 2020).

7 Tyler Wood, Animateur spécialisé et responsable de l'accueil. Centre des mémoires montréalaises/ Centre d'histoire de Montréal, telephone conversation, 4 March 2020.

8 "Raimbault, Pierre." <u>Répertoire du patrimoine culturel du Québec</u> (date of last access 28 March 2020). http://www.patrimoine-culturel.gouv.qc.ca

9 Andre Cellard, "Penal Justice Under French Rule, 1608-1760: Punishment as Example," <u>Punishment, Imprisonment and Reform in Canada, from New France to the Present</u>, eds. Nancy McMahon and Denise Rioux (Ottawa: Canadian Historical Assoc., 2000), p. 2.

10 Cellard, "Penal Justice Under French Rule," p. 2.

11 There was a different judge in Montreal, Trois Rivieres, and Quebec City.

12 Cellard, "Penal Justice Under French Rule," p. 3.

13 Cellard, "Penal Justice Under French Rule," p. 2.

14 Tyler Wood, Animateur spécialisé et responsable de l'accueil, Centre des mémoires montréalaises/ Centre d'histoire de Montréal with expert, telephone conversation, 4 March 2020.

15 Tyler Wood, Animateur spécialisé et responsable de l'accueil, Centre des mémoires montréalaises/ Centre d'histoire de Montréal, telephone conversation, 4 March 2020.

16 Tyler Wood, Animateur spécialisé et responsable de l'accueil, Centre des mémoires montréalaises/ Centre d'histoire de Montréal, telephone conversation, 4 March 2020.

17 Cellard, "Penal Justice Under French Rule," p.3.

18 Cellard, "Penal Justice Under French Rule," p.4.

19 Natasha L. Henry, "Black Enslavement in Canada," <u>The Canadian Encyclopedia</u>, (date of last access 28 March 2020). https://www.thecanadianencyclopedia.ca/en/article/black-enslavement

20 Enslaved people were sold like objects and notaries created "bills of sale" and witnessed the financial transactions for buyers and sellers. See <u>Transcriptions of Bill of Sale William</u>, Reel M173/946, Bibliothèque et Archives nationaled du Québec (BANQ), Quebec City, Canada and <u>Bills of Sale for Enslaved People: Quebec, Canada</u>, ed. Charmaine A. Nelson, https://www.blackcanadianstudies.com/bills-of-sale/

21 A "distrain" is the legal term for the seizure of someone's property in order to obtain payment of money owed. In this case, Pierre the panis enslaved man was the property being distrained. Michel Paquin, "PIERRE," <u>Dictionary of Canadian Biography</u> (date of last access 28 March 2020). http://www.biographi.ca/en/bio/pierre_3E.html

22 Paquin, "PIERRE," (date of last access 28 March 2020). Official French objectives had been to Christianize indigenous peoples in order to attain their utopian ideal of "one people". The French baptized enslaved people stripping them of their ethnic and cultural identity in an effort to Christianize them. See Brett Rushforth, "The Most Ignoble and Scandalous Kind of Subjection," <u>Bonds of Alliance: Indigenous and Atlantic Slaveries in New France</u> (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2012), p. 111.

23 Paquin, "PIERRE," (date of last access 28 March 2020).

24 Paquin, "PIERRE," (date of last access 28 March 2020).

25 Paquin, "PIERRE," (date of last access 28 March 2020).

26 Afua Cooper, <u>The Hanging of Angélique: The Untold Story of Canadian Slavery and the Burning of Old Montréal</u>, (Toronto, Ontario: HarperCollins Canada, 2011) p. 215.

27 Cooper, <u>The Hanging of Angélique</u>, p. 217 and Tyler Wood, Animateur spécialisé et responsable de l'accueil, Centre des mémoires montréalaises/ Centre d'histoire de Montréal, telephone conversation, 4 March 2020.

28 Mémoires des Montréalais, "Le procès de Marie-Josèphe-Angélique" (date of last access 20 March 2020). https://ville.montreal.qc.ca/memoiresdesmontrealais/le-proces-de-marie-josephe-angelique.

[29] Shayna Krishnasamy, and Mark Leslie, "The Slave who Burned a City," <u>Macabre Montreal: Ghostly Tales, Ghastly Events, and Gruesome True Stories</u> (Toronto: Dundurn, 2018), p. 88.

[30] Mémoires des Montréalais, "Le procès de Marie-Josèphe-Angélique" (date of last access 20 March 2020).

[31] Mémoires des Montréalais, "Le procès de Marie-Josèphe-Angélique" (date of last access 20 March 2020).

[32] Krishnasamy, and Leslie, "The Slave who Burned a City," p. 88.

[33] Cooper, <u>The Hanging of Angélique</u>, p. 14.

[34] Cooper, <u>The Hanging of Angélique</u>, p. 252.

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Fig. 1: Samuel Edward Dawson, 1833-1916,"Map of the City of Montreal: Compiled from the Latest Surveys" McGill University Library (1888), 49 x 54 cm. Area highlighted is approximate location of the home of Pierre Raimbault. https://archive.org/details/McGillLibrary-rbsc_montreal-surveys_G3454_M65_1888_D3-16891/mode/1up.

Fig. 2: 147 Rue Saint Paul, Montreal QC, current location of Judge Pierre Raimbault's home. Image from *Google Maps,* 2020. https://www.google.com/maps/place/147+Saint-Paul+St+W,+Montreal,+QC+H2Y+1Z5/@45.5035324,73.5548395,2746m/data=!3m1!1e3!4m5!3m4!1s0x4cc91a59d4431571:0xbcfc8ed3a7d927b8!8m2!3d45.5036994!4d-73.5553252
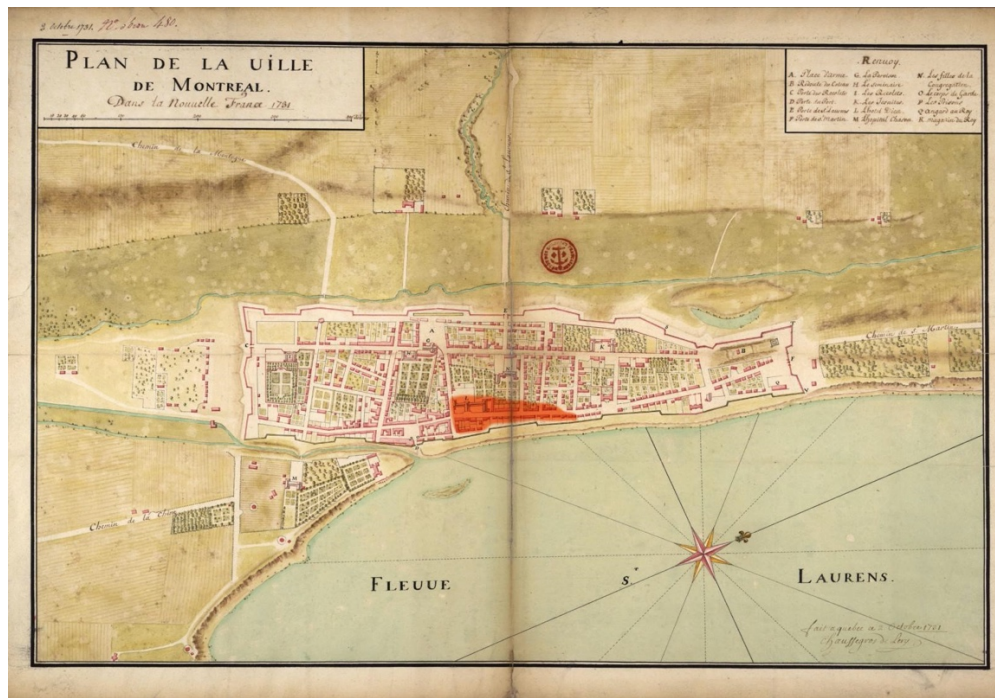

Fig. 3: Map of Montreal in 1731 with area touched by the 1734 fire highlighted. Prison at point P, and Pierre Raimbault's house at the end of alley off of rue Saint Paul, northeast corner of Place Royale. Plan de la ville de Montreal dans la Nouvelle France, par Chaussegros de Léry. Archives nationales d'outre-mer (France). FR CAOM 3DFC480B.