

# **1672: TRIAL AND EXECUTION OF JACQUES BERTAULT and MARIE GILLETTE BANNE for the murder of Julien Latouche (their son-in-law) Trois Rivieres, Canada**

Here is an account of the murder, trial and executions of Jacques Bertault, Marie Gillete Banne and their daughter Isabelle Bertault. It is based on the 1672 trial record and is taken verbatim from the Journal of American French Genealogical Society, Volume VIII, Winter 1985. It is posted several places on the Internet.

Characters in this horrible event:

- Jacques Bertault - father
- Marie Gillette Banne (Gillette Baune) - mother
- Isabelle Bertault – daughter (married at 13 to Julien Latouche)
- Nicholas Bertault – son (about age 10)
- Jeanne Bertault – daughter (minor)

Julien Latouche – murdered by the Bertault in-laws. Married to Isabelle

Others:

- Jean Gauthier
- Louis Petit (brother-in-law to Jean Gauthier)
- Pierre Pepin
- Jean Hero dit Bourganville
- Severin Ameau, undersigned scribe
- Sieur Jacques de Labadie, commandant of Three Rivers, had Jacques Bertault incarcerated for the murder.
- Louis de Godefroy, sieur de Normanville, fiscal procuror of Three Rivers
- Quebec: Intendant Talon, who gave copies of the sworn testimonies to
- Quebec: Monsierr Penseret, fiscal procurer.
- Quebec: Sieur Chartier, lieutenant general, civil and criminal

Sitting on Monsieur Chartier's court were

- Juchereau de la Ferte,
- Ruelle Dauteuil,
- de Bermen,
- Duquet,
- Morin de Rochebelle, and
- Simon Denis.

They showed no pity for Jacques Bertault and Gillette Baune, but in spite of the petition of the fiscal procurer, they were merciful to Isabelle because of her age.

On June 9, the Council, presided over by Governor de Courcelles and assisted by de Tilly, D'Amours, de la Tesserie, Dupont, Bonamour, Roussel and the fiscal procurer, rendered their verdict.

On Sunday afternoon, May 15, 1672, Bertault, his wife, and Isabelle crossed the river by canoe to go to work on the family farm. At the same time, Latouche and Jean Gauthier were leading cattle across the river, during which time, Latouche told the family that he would meet them the following day.

Latouche kept his word and met them on Monday. By this time, a plan had been contrived by Bertault, his wife, and their daughter Isabelle. There was a poisonous plant known to the settlers that killed their hogs. Madame Bertault felt that these tiny leaves, half the length of a finger, could resolve all their problems and they could live in peace once again. There had to be a plan, one that would not fail. They decided that in soup, which already had so many other ingredients in it, the leaves would go unnoticed. Madame Bertault prepared the soup and when it came time to add the poisonous herb, she decided that four or five leaves would be sufficient. When it was time to eat, the potion was served to Latouche.

What went through their minds as they watched him eat the soup? Were they nervous? Could they feel their hearts pounding frantically? Isabelle, at age thirteen knew right from wrong, but was she mature enough not to be influenced by her parents? What kind of people were the Bertaults? The father had forced his daughter into an early marriage, yet he had shown compassion towards his child in her time of need. The question remains, what kind of people resort to murder to resolve any problem?

When the soup was served. Latouche ate heartily. They watched for a sign. Perhaps he would bend over with stomach cramps, or gasp in pain, or perhaps his color would turn to a sickly green. Latouche finished his soup and to their astonishment, he did not show any ill effects whatsoever. The plan had failed. The following day, one hour after sunset, Madame Bertault went to see her son-in-law, who was in the barn. As she entered, she said to him mockingly, "Now there's a nice son-in-law!" Latouche snarled back, "Why aren't I very nice?" They continued to scream insults at each other until Madame Bertault, who could no longer stand the sight of her son-in-law, picked up a hoe, which was leaning against a barrel and struck him. The blow had no effect on him. He lunged forward and grabbed her. As they scuffled, Latouche bit her fingers. Madame Bertault could not overcome his strength.

She yelled, "Isabelle, Isabelle, come and help me." The young girl wanted to help her mother, but she could not find the courage within herself. To poison someone is one thing, but to beat someone to death, is another. Monsieur Bertault heard the commotion and ran to the barn. As he entered, he saw Latouche and his wife struggling. He tried to separate them and as he did, Latouche grabbed him by the hair, pulled it and yanked at it. In the melee, Latouche grabbed Madame Bertault by the collar, attempted to kick her, but Monsieur Bertault managed to stop him. Madame Bertault grabbed the hoe, swung it a second time hitting Latouche on the head. The blood streamed down his face and he fell. Bertault grabbed the hoe away from his wife, believing she did not have sufficient strength to strike the blows. Isabelle closed her eyes; she could not watch this. As Bertault lifted the hoe to strike another blow, Latouche screamed, "Help! You're killing me!" The hoe fell on its target and there was more blood. Latouche felt weak. He grabbed his father-in-law, but was easily repelled. Latouche continued to scream.

The tension was mounting and Madame Bertault did not want her husband to reconsider because of Latouche's incessant screaming. She yelled, "Kill him! Kill him!" Bertault struck his son-in-

law again and again. With each blow there was more blood. It was everywhere. Bertault went to hit him again, stopped in mid-air, and threw the hoe down. The deed was done. Latouche lay dead. Bertault wiped his blood covered hands on the blood soaked clothes and winced in disdain. It was time to go home.

At night, there is a stillness in the air, a silence that makes every sound reverberate for a long distance. It was because of the quiet of the spring evening that someone heard the commotion emanating from the Bertault barn. Jean Gautier was with his brother-in-law, Louis Petit, on the other side of the river that evening. Gautier and Petit knew Latouche well. In fact, Gautier had spent the previous Sunday in his company. They heard a voice, which to them sounded like Latouche's screaming, "Oh my God, I am dead! You're killing me! You'll be hanged!" For an hour and a half, they listened to those repeated cries and they could even hear the blows as Latouche was being struck.

When the Bertaults came out of the barn, Gautier shouted at Monsieur Bertault, "Go, wretch that you are! You killed your son-in-law, you'll be hanged. There are enough witnesses." Bertault turned to his wife and said "Haven't I always told you that this would happen!" Madame Bertault was surprised and shocked that they had been witnessed, so much so that she remained speechless. The family went home. They were in trouble. After some thought, they returned to the barn. There was always a slight chance that Latouche was alive. As they entered the blood spattered barn, they saw that it had been wishful thinking. What to do? The body could not remain in the barn. It was late and it was dark. Isabelle, who had passively watched her mother and father kill her husband, now had to help them. **The three of them grabbed Latouche's lifeless and bloodied body and dragged it to the nearby river, where they disposed of it by throwing it into the water. If the body were ever recovered, no one would ever know how Latouche had died.**

The following day, **Gautier and Petit** decided to cross the river in an attempt to find Latouche's body. Perhaps it was out of fright that they brought along **Pierre Pepin and Jean Hero dit Bourgainville**, or perhaps their friends insisted on accompanying them, having learned that Latouche had possibly been murdered the previous evening. The foursome found nothing, but saw Bertault entering his house and decided to pay him a visit. Bertault came out of the house with his musket, removing it from its case, checked to see if it were loaded, and cocked it. To their questions, he answered that they would not find Latouche. The young men said, "Then, you have killed him!" Bertault told them that he had not seen him since Monday because Latouche had gone to New England.

The following day, Thursday, May 19, Gautier and Petit made their way to the Bertault farm to see what they could find. As they looked inside the barn, they gasped in horror. There was blood everywhere, on the ground, on barrels, on a hoe, and on an iron bar. They even found some stockings and some teeth which they believed to have belonged to the deceased. If they had any doubts in their minds about what they had heard the previous evening, the sight of what laid before them eliminated all doubt. They felt ill and needed fresh air. They walked out of the barn, stunned and a little afraid. They drew in deep breaths in an effort to revitalize themselves and stood there for a moment motionless, in disbelief. The night before, it had been a nightmare; but today, it was a reality.

The young men left and went to the authorities to report their suspicions based on what they had heard and what they had seen. Their depositions were taken which **led to the arrest of Jacques Bertault** on the very same day. His wife and daughter had fled into the woods and could not be found.

There was more damaging evidence. **Bourgainville** testified that on the previous Sunday, Bertault had said to him that Latouche would die, “by no other hand than my own”. Their own son, **ten year old Nicolas**, also testified against them. He related that his parents had left on the preceding Sunday to go to their farm and that they had subsequently returned. He added that his mother and sister had fled into the woods on Wednesday, but that his father had been arrested by two soldiers who had bound his feet in irons. He claimed that he had recently heard his mother say that she would kill Latouche some day and that he had also heard his sister say that she wished her husband were dead.

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**The official report read as follows: ‘The year one thousand, six hundred and seventy-two, the nineteenth day of May, I, Severin Ameau, undersigned scribe in Three Rivers certify having been told that last Sunday afternoon, Julien de la Tousche accompanied by his wife left with his father-in-law and mother-in-law, Jacques Bertault and Gilette Baune, his wife, to go to their farm situated on the other side of the river of Three Rivers, facing their said home to plant their garden.**

And the following Tuesday, the said Julien de la Tousche was heard screaming, “Help, they’re killing me”, and a woman was heard saying, “Kill him, throw him into the river”, after which the said Jacques Bertault would have returned to his house in Three Rivers, but the said de la Tousche did not return. Someone had crossed the river of Three Rivers in a canoe and having transported himself to the place from which he had heard the screams, saw the said Jacques Bertault holding a gun. We believe that it was the said Bertault who killed the said de la Tousche, in view that he had formerly threatened him. **Based on these assumptions, Sieur Jacques de Labadie, commandant of the said Three Rivers, had the said Bertault incarcerated.** They said Gilette Baune and her daughter, wife of the said de la Tousche, have fled. We have gone into their home where we have seized their possessions and have taken an inventory thereof in presence of **Nicolas Bertault, son of the said Bertault, about ten years of age ...’**

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The next day, Friday, May 20, Jacques Bertault appeared **before Louis de Godefroy, sieur de Normanville, fiscal procuror of Three Rivers**, for questioning. At this particular time, the judge’s bench may have been vacant or the judge may have been absent. For one of these two reasons, the case was handled by the fiscal procuror.

When questioned, Bertault claimed that he had not killed his son-in-law and that he did not know where he was. When asked about the blood all over the barn, he answered that that was the blood of three sturgeons which he had caught on the line of sieur de la Valliere. When asked if he had threatened to kill Latouche, he answered no and did not want to comment further. After Bertault was questioned, he was confronted by each person who had testified against him, one at a time. In each case, he was asked if he knew them, if he believed them to be honest men, and if there existed any animosity between them. In each case, except for his son, Bertault answered that he knew them and that each of them meant him harm.

The following day **Gilette Baune and Isabelle Bertault** were found in the woods and arrested. They were brought before Louis de Godefroy for questioning. Madame Bertault testified that Latouche had beaten his wife, that she and her husband had come to their daughter’s rescue, and that a scuffle had ensued, whereby she had hit Latouche with a hoe in order to help her husband and with the intention of stopping the fight. She said Latouche fell on the spot. She added that during the melee both she and her husband were bitten by Latouche and showed her fingers as proof. Believing that Latouche was but shaken, they returned to their home. Half an hour later, they returned to the barn and found him dead and dragged his body to the river.

Isabelle's testimony was essentially the same as her mother's. There was but one discrepancy in the testimonies. Madame Bertault had sworn that the death occurred inside the barn, while Isabelle maintained that it had occurred outside. Later in the day, Bertault and his wife were confronted and her deposition was read before both of them. Bertault was asked why his testimony differed so sharply with his wife's. He answered that he had not wanted to say anything until his wife had been questioned and for this reason, he had denied all the testimony brought forth by the witnesses. He further avowed that her testimony was true.

**After this preliminary investigation, the three prisoners were sent to Quebec, where they could undergo a fair and equitable trial.** The case was turned over to **Intendant Talon**, who gave copies of the sworn testimonies to **Monsierr Penseret**, fiscal procurer. He in turn, made a requisition to swear in and interrogate the prisoners once again. To accomplish this, Talon turned the case over to **Sieur Chartier**, lieutenant general, civil and criminal, on June 1. The same day, Monsieur Chartier began the interrogations of the prisoners.

The first one to be sworn in was **Isabelle**. She repeated more or less what she had testified to in Three Rivers concerning the murder, that it was in self defense. Among the questions asked and the answers given were:

Q. 'When you were married, did you love your husband?'

A. 'Not at all'.

Q. 'Why didn't you love him?'

A. 'My father made me marry him without my consent, because he had a nice place on the farm of **Madame de Lafontaine**, for whom he was a farmer for five years, during which time he could earn enough money to buy himself a nice farm. **The wife of sieur Aube** was ready to have her baby and asked my father to send my mother to help and she went. During this time, my father arranged the marriage. My mother did not want to consent to the union, but my father said, he was the master and the wedding took place.'

Q. 'Why did you not tell the priest (during the marriage ceremony) that you did not want Latouche for your husband?'

A. 'My father was there, but my mother wasn't. If she had been there, I would have declared it.'

Q. 'Did your mother like Latouche at the time you married him?'

A. 'Yes,'

Q. 'Are you happy your husband is dead?'

A. 'No, and I wish I were dead instead of him.'

Q. 'Why did you hit your husband and why did you help your father to kill him?'

A. 'I did not help.'

Q. 'Why did your father and mother threaten your husband often?'

A. 'They have not threatened him, neither one nor the other.'

Q. 'Why did your brother say to your mother that they had killed his brother-in-law?'

A. 'He did not say that.'

Q. 'Why did your father say that the deceased was in New England after he had murdered him?'

A. 'You will excuse me sir, he did not say that.'

Q. 'Wasn't your husband's voice heard in Three Rivers while he was being murdered?'

A. 'It was my father who was screaming like that.'

As Isabelle was questioned further, she maintained the innocence of her parents and insisted that her husband was killed in self defense.

The second one to be questioned was **Jacques Bertault**. By this time, he had serious doubts as to whether or not their story of self defense would hold and he was also very aware as to what the punishment was for murder. He may have worked hard to provide a comfortable living for his family, but he was weak and spineless. When he was questioned, he attempted to shift the blame onto his wife. He related how his wife had tried to poison Latouche and when this plot had failed, she had struck Latouche with a hoe the following day.

'How did you plan to kill your son-in-law?'

'My wife said to me, "Let's go to the farm." Once we were there, she implored me many times until we killed our son-in-law. Our daughter never spoke to me about her problems, but spoke to her mother about getting rid of her husband. Sometimes I was even forced to leave the house because my wife was so relentless about getting rid of our son-in-law. I delayed hoping she would change her mind.'

'How many times did you strike him?'

'I don't remember the number, but I believe it was less than ten when he died.'

As Bertault was being interrogated, he said that he knew that his daughter had watched her husband being murdered, but that he didn't know if she had struck him. To protect himself further he added, "I never meant my son-in-law any harm. What I have done was but in obedience to my wife."

**Gillette Baune** was interrogated next. She admitted to having tried to poison Latouche and gave explicit details of the murder.

"What kind of plant did you use to try to poison your son-in-law, Julien La Touche?"

"I don't know what kind of plant it is, but it isn't any bigger than half the length of a finger. I only used four or five leaves which didn't do him any harm."

"Did you go into the barn to see your son-in-law one hour after sunset, where you said to him, "Now there's a nice son-in-law?"

"Yes, and he answered me, "Why aren't I very nice?"

"Did you not take a hoe that was next to a barrel and use it to strike your son-in-law?"

"That is true."

"Did your husband come in at the same time to take the hoe to finish killing your son-in-law?"

"That is true."

"Did you call your daughter to help you kill Latouche?"

"Yes, but I don't know if my daughter struck him."

"How many times did you strike the deceased?"

"I gave the first blow, but it did not draw blood. Then I hit him again on the head and he fell to the ground. My husband came in at the same time. I don't know how many times he struck him but after many blows, he died."

"After you killed your son-in-law, what did you do?"

"When we knew he was dead, the three of us threw him into the river."

At the end of her interrogation, Gillette Baune admitted that they had maliciously killed Julien Latouche. She said they had thought about it for a long time, because they never had any peace of mind since the marriage of Latouche to their daughter. She added that they discussed getting rid of him because he mistreated their daughter and because he was worthless.

On the 8<sup>th</sup> of June, the fiscal procurer rendered his verdict. **He asked that the three prisoners be executed and that no allowance be made for Isabelle because of her age, as she had also been involved in the murder.**

**Sitting on Monsieur Chartier's court were Juchereau de la Ferte, Ruelle Dauteuil, de Bermen, Duquet, Morin de Rochebelle, and Simon Denis. They showed no pity for Jacques Bertault and Gillette Baune, but in spite of the petition of the fiscal procurer, they were merciful to Isabelle because of her age.**

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The official verdict reads:

*"...we have declared the said **Jacques Bertault, Gillette Baune, his wife, and Isabelle Bertault**, their daughter, tried and convicted of the said crimes of imprisonment and murder committed against the person of the said Julien de la*



*Tousche. For reparation of which, we condemn and are condemning the said Bertault, Baune, his wife, and their daughter, to be taken from and removed from the prisons of this jurisdiction by the executor of high justice, led with a rope around their necks, and a burning torch in their hands, before the door of the parish church of this city. There, the said Bertault, bare headed and in his shirt, and the said women, dressed in their shirts to the waist, will kneel and ask forgiveness of God, the king, and justice, for the said crimes by them committed. Therafter, they will be led by the said executioner to the scaffold that will be erected for this purpose in the public square of the 'haute ville'.*

*There will be a cross of St. Andre on which Jacques Bertault will be lain to receive a swift blow on the right arm, then strangled. After his death, another blow will be struck on his left arm and a blow on each of his thighs.*

*The said Gilette Baune will be hanged and strangled on a scaffold which will be erected for this purpose at the said place and the said Isabelle Bertault will witness the said executions with a rope tied around her neck as previously stated.*

*After the executions, the body of the said Jacques Bertault will be placed on a wheel at Cap aux Diamants, the usual site, to remain and serve as an example. We further condemn the said Bertault, his wife and his daughter, to a one hundred 'livres' fine payable to the seigneurs of this region and to the court costs. The remainder of their property will remain secured and confiscated, and distributed to whomever it should belong."*

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Bertault and his wife appealed their sentences to the Sovereign Council.

On June 9, the Council, presided over by Governor de Courcelles and assisted by de Tilly, D'Amours, de la Tesserie, Dupont, Bonamour, Roussel and the fiscal procurer, rendered their verdict. They upheld the verdict of the lower court and only modified the judgment as to the fine. Bertault and his wife were fined 60 "livres" to be divided thus: one half to the Recollets Fathers to pray God for the repose of the soul of Julien Latouche and to court costs; the other half and the surplus of their estate to Nicolas and **Jeanne Bertault**, the minor children of Jacques Bertault and Gilette Baune.

The cost of the trial came up to about 139 "livres". This included the salaries of the judges, the fiscal procurer, the scribe, the bailiffs, and the executioner. Included in this sum was 15 "livres" for the nourishment of the three prisoners for over a month.

The sentence was rendered in the morning and immediately delivered to the prisoners. Only one appeal was granted to prisoners and judgment was rendered swiftly. **On the same day, June 9, 1672, at four o'clock in the afternoon, Jacques Bertault and Gilette Baune were executed.**

Jacques Bertault had been condemned to the punishment of the wheel. This punishment is of German origin and dates back in France to 1534, when it was introduced by an edict of Francois I. It was reserved for particularly serious crimes such as murders, poisonings, nighttime thefts in homes when violence occurred, and highway robbery. For this procedure, a scaffold was erected, usually in the town square. A cross of St Andrew was built on the center of the scaffold, laying flat. It was constructed of wood with two joists secured in the center where they joined, forming

an oblique cross. Grooves had been carved into the wood to admit the thighs, the legs, and the upper and lower arms of the convicted.

The criminal was usually clad in a long shirt which the executioner raised at the sleeves and at the hem up to the thighs, to secure the prisoner at each joint onto the cross. His head was laid on a stone and turned towards the heavens.

The first phase of the punishment was a beating to break the extremities. The executioner armed himself with a metal pipe, one and one-half inch in diameter, with a ball on one end which served as a handle. With this weapon, he would strike an arm and a leg two times each. Then striding the body, he would break the two remaining extremities with two blows each. Lastly, he would give three more blows on the chest. The condemned was thus struck a total of eleven times with the bar. It was impossible to break the spinal column, as it was protected by the back of the cross.

The second phase of the punishment was the exposure on the wheel. The criminal's body was carried to a small carriage wheel which had been prepared by removing the hub or nave. It was then placed horizontally on a pivot. The executioner, after having bent the criminals thighs underneath, in such a fashion that the heels would touch the back of his head, tied him to the rim of the wheel. The condemned remained exposed in this fashion for a specified amount of time. The punishment of the wheel was never applied to women "because of the decency due their sex".

It was often indicated by a clause or proviso that the condemned would be secretly strangled as soon as he was placed on the wheel. To this end, a winch was affixed at the top of the scaffold from which a rope ran down, circled around the victim's neck, and ran up again to the winch. With the help of levers operated by two men, the rope rolled around the winch, tightened and strangled the victim.

Jacques Bertault was fortunate that he had faced a group of men on the Sovereign Council who were merciful. **He was sentenced to be hanged first, therefore the torture was purely symbolic.** Isabelle had to watch this medieval brutality as part of her punishment. She cried and she sobbed. It tore at her heart to see her father's body mangled and mutilated. He had been very strict and he had forced her to marry Latouche, but at the same time, he had been kind to her. She knew that he had loved her and she had loved him too. She wished Latouche were alive. It was not worth it. But her husband was dead and now was the present. The clock could not be turned back. Her father was gone and now she must bid a last farewell to her mother, her beloved mother, with whom she had been so close and had shared so much.

She cried, "Maman, maman, do you have to leave me? What will I do? I need you." The tears streamed down her face. She remembered how her mother had always protected her and cared for her. She remembered how her mother had listened to her problems, oh so attentively, and had always been so sympathetic to her situation. She remembered the warmth and the touch of her mother's arms around her. It seemed her mother had always been there when she needed her. As she wiped the tears away, she saw them putting that rough rope, that awful noose, around her mother's throat. How could this have happened, she thought. She blamed herself for complaining too much and wondered why she had not suffered silently. She felt guilty. She was losing the most wonderful friend she ever had and it was her fault. She wiped her tear filled eyes once more and looked up onto the scaffold. She shrieked in pain, "Maman, maman!" But it was over; her mother was dead.

During the trial, Isabelle had to say she wished she were dead. She had meant it when she had said it, but today she wished it more than ever before. She felt empty, alone and abandoned.