



Did Angélique Start the Fire? Evaluating the Evidence

This MysteryQuest investigates whether Angélique, the woman convicted of setting a deadly fire in Montreal in 1734, was guilty beyond a reasonable doubt. Students learn about French colonial society, Montreal men and women, the justice system, and slavery in New France.

A critical thinking challenge to accompany

Great Unsolved Mysteries in Canadian History

***Torture and the Truth:
Angélique and the Burning of Montreal***

<http://www.mysteryquests.ca/quests/02/indexen.html>

Author: Ruth Sandwell

Editors: Ruth Sandwell, Dick Holland

Series Editor: Roland Case

based on an approach developed by The Critical Thinking Consortium (TC²)
www.tc2.ca

Ages

11-14

Courses

Canadian history, social studies, civics

Key Topics

- racial relations in Canada
- slavery in Canada
- life in New France
- evaluating historical evidence

Critical Challenge

Does the evidence presented by witnesses at the trial provide enough evidence to convince students today that Angélique was guilty beyond a reasonable doubt of the crime of which she was accused?

Broad Understanding

- Students will learn to find evidence in textual sources to support a conclusion about an historical event.
- Students will learn that colonial society and the justice system in New France were not particularly accommodating of racial minorities and slaves.

Requisite Tools



Background knowledge

- knowledge of the social, economic, and political conditions in New France
- knowledge of the trial of Angélique and the burning of Montreal in 1734



Criteria for judgment

- criteria for “guilty beyond a reasonable doubt”



Critical thinking vocabulary

- evidence
- proof beyond a reasonable doubt



Thinking strategies

- data charts



Habits of mind

- full-mindedness

Independent Study

This lesson can be used as a self-directed activity by having students individually or in pairs work their way through the guided instructions and support material found at <http://www.mysteryquests.ca/quests/02/indexen.html>.

Whole Class Activities

On the following pages are suggested modifications of the self-guided procedures found on the MysteryQuest website for use with a class of students. For convenience, each support material and set of directions found on the website is reproduced next to the relevant suggestions for whole class instruction.

Suggested Activities

Introduce the incident and trial of Angélique

- Using *Introduction*, guide students to a preliminary understanding of the events that occurred in Montreal in 1734.
- As it is important to set a context, exploration of French society in the 1700s is essential. Whether as a class using an LCD projector or in partners on personal computers, invite students to investigate some of the Context and Archives sections of the main website, particularly:
 - Pictures and maps (e.g., drawings of Angélique, Montreal, clothing of men and women, typical housing, maps of Montreal and the area affected by fire, etc.)
 - Diaries, journals or reminiscences
 - Government documents (e.g., prevention of fires, status or liberation of slaves, etc.)
 - Justice
 - Town
 - Society

INTRODUCTION

In the spring of 1734, a fire occurred in Montréal that destroyed a hospital and 45 houses on rue Saint-Paul. Two people—Marie-Josèphe dite Angélique, a Black slave, and her White lover, Claude Thibault—were accused of starting the fire. When Claude fled from the authorities, Angélique was left on her own to prove her innocence. Some twenty people gave testimony at her criminal trial, all of them convinced that Angélique set the fire, yet not one of them saw her do it. Angélique was found guilty and sentenced to death.

If no witnesses saw her start the fire, what evidence did they have to prove Angélique's guilt? If you looked at the evidence, would you be convinced that she committed the crime?

Introduce the task

- Ask students how a criminal trial “works.” Brainstorm such questions as: Who gets to decide if the accused person is guilty or innocent? How do they come to that conclusion? Who decides on the sentence?
- Use *The Task* to explain the activities and challenge to students.

THE TASK

In this MysteryQuest, you are invited to examine key pieces of evidence presented at the trial against Angélique to decide whether you are convinced beyond a reasonable doubt that she set the fire.

Proof “beyond a reasonable doubt” is a technical term with a specific legal meaning. It refers to the level of certainty required to declare an accused person guilty of a crime. “Reasonable doubt” does not mean you are absolutely certain but it does mean that the body of evidence is sufficiently convincing that you would be willing to rely upon this kind of proof without hesitation when making decisions in your own life.

In reaching your decision, you should first familiarize yourself with the events leading up to the trial and conviction of Angélique, and then learn about four kinds of evidence. You will identify the evidence provided by a number of witnesses and consider how convincing this information is before reaching your own conclusion about Angélique's guilt or innocence.

Explore proof beyond a reasonable doubt

- Brainstorm the concept of proof beyond a reasonable doubt with students. Agree on a clear definition.
- Ask students to apply their class definition to the following examples:
 1. If you see a man with a smoking gun in his hand and his dog dead of a wound lying at his feet, do you have evidence beyond a reasonable doubt that he killed his dog? Why or why not?
 2. If you overhear someone on the bus telling you they know where there is lost treasure because their best friend's sister found a hundred-year-old gold coin lying near that location, do you have evidence beyond a reasonable doubt that there is buried treasure there? Why or why not?

Adjust the definition to reflect any new understandings that may have arisen from the above discussion.

Get familiar with the trial

- Use *Step 1: Familiarize Yourself With the Trial of Angélique* to introduce students to the various secondary source documents and to the trial. Divide students into pairs and assign each four or five of the secondary documents to read and summarize. As a class, students will present their summaries and place them on a timeline which could be later compared to the one on the website.

STEP 1: FAMILIARIZE YOURSELF WITH THE TRIAL OF ANGÉLIQUE

Your first task is to learn more about the events surrounding the fire and the trial of Angélique. Read the seven brief accounts written by the historians who created the “*Torture and the Truth*” website. These documents are listed as **secondary sources** in *Evidence in the Case*.

Understand the four different kinds of evidence

- Use *Step 2: Recognize Four Kinds of Evidence* to introduce students to the terms they will use to evaluate the evidence presented at the trial. Distribute printed copies of *Kinds of Evidence Offered in Court*, read them aloud, and discuss as a class. Once students seem familiar with each kind of evidence, divide them into pairs, assign one of the kinds of evidence to each pair, and ask them to come up with one concrete example of such evidence. Have pairs share their examples while the rest of the class tries to identify which kind of evidence is being described.

STEP 2: RECOGNIZE FOUR KINDS OF EVIDENCE

Before evaluating the evidence brought against Angélique, it is useful to appreciate the kinds of evidence used to establish guilt or innocence. Below are brief explanations of four types of evidence that are commonly presented in a criminal trial. These various kinds of evidence are evaluated differently—in other words, some evidence is more believable than others, as far as a court of law is concerned. The kinds of evidence are listed from the weakest (or least believable) to the strongest (or most believable):

- **Hearsay or second-hand evidence:** Hearsay evidence is not considered to be reliable evidence since it is information you did not see or hear yourself but was reported to you by others (your friend tells you what another person did).
- **Character evidence:** Evidence about the person's general behaviour and traits may be used to decide whether or not the accused person was of a sufficiently good or bad character that he or she might be likely to commit the crime (a witness stating she never heard the accused person hurt anyone or ever tell a lie).
- **Circumstantial or indirect evidence:** Circumstantial evidence is the evidence about the circumstances in which the crime occurred that indirectly suggests what might have happened (the accused person was seen in the neighbourhood around the time of the crime).
- **Direct evidence:** Direct evidence may be “real evidence” which would consist of an object or document (a video or audio tape of the event) or “eye-witness testimony” (a witness reporting what she saw the accused person do at the scene of the crime) that directly establishes the action taken by the accused person.

Can you identify which kind of evidence is represented by each of the following?

1. finger prints of the accused person in the house where the crime was committed;
2. the criminal record of the accused person;
3. a confession by the accused person;
4. a newspaper report of what eye-witnesses saw at the crime scene.

If you are unsure whether you correctly identified each piece of evidence, or if you want to learn more about these kinds of evidence, please read the briefing sheet *Kinds of Evidence Offered in Court*.

MysteryQuest 2 Support Materials 1 (Briefing Sheet)

Kinds of Evidence Offered in Court

Common law in Canada has very strict rules about what can be introduced as evidence when trying to establish the guilt or innocence of a person. Different kinds of evidence are evaluated differently – some evidence, in other words, is better than others, as far as a court of law is concerned. Here is an overview of four types of evidence that are commonly presented in a criminal trial. They are organized here from the weakest form of evidence that might be presented in criminal trial in Canada today, to the strongest.

Hearsay or second-hand evidence

If you are presenting evidence at a criminal trial and you report what someone else has said, it will generally not be accepted as evidence by the judge. Evidence of something that you did not see yourself as a witness is called hearsay evidence, and is not admissible in a trial of law. The court generally believes that evidence should be given directly by the person who witnessed the event or behaviour. Only those who are eye-witnesses to a relevant act, in other words, should be called as sworn witnesses in the trial. Because it is not direct evidence, hearsay evidence is sometimes called “second-hand evidence” or “rumour.”

However, if you have heard the accused describe what he or she claims to have done (i.e. confess to a crime), or if you heard the accused talk about his or her intention to commit a crime, that may be accepted as direct evidence of the person's beliefs or intentions and is not hearsay evidence about what she really did.

For more information about hearsay evidence, consult the following sources:

Duhaime's Canadian Law Dictionary <http://www.duhaime.org/dictionary/dict-gh.aspx#H>

Wikipedia http://en.wikipedia.org/wiki/Hearsay_in_English_Law

Character evidence

While it seems strange to us, when someone was committed of a crime before the eighteenth century (1700s), criminal courts paid little attention to the specific pieces of evidence relating to the crime itself; even if it were available, they would have had little interest in “forensic evidence” of the type our courts rely on so heavily today. Instead of relying on specific pieces of evidence to decide whether someone committed a crime, the court instead relied heavily on evidence of general good character to decide whether or not the person was of such bad character that he or she might have committed such a crime. This kind of evidence is not considered good enough to ensure a conviction in today's criminal courts.

We still have the remains of this concern with good character in the criminal system today. Someone claiming their innocence when charged with a crime might call “character witnesses” during the trial to attest to their previously good character and behaviour.

For more about character witnesses, consult the following source:

The Citizens Information Online, Ireland http://www.citizensinformation.ie/categories/justice/witnesses/types_of_witnesses/?searchterm=character%20witness

Circumstantial evidence

Circumstantial evidence is the evidence about the circumstances or surroundings in which the crime occurred. It does not actually prove that the accused person committed the crime, but it suggests that the link is possible. Suppose a detective finds the finger prints of an accused person on the safe from which jewels were stolen. This evidence links the person to the safe — it indicates that the person touched the safe — but it doesn't prove the person opened the safe or stole the jewels.

For more on circumstantial evidence, consult the following source:

Duhaime's Canadian Law Dictionary http://www.duhaime.org/dictionary/dict-c.aspx#circumstantial_evidence

Direct evidence

Direct evidence presented at a trial can be an artifact (like a signed contract or the murder weapon), sometimes called “real evidence.” Presenting evidence about the murder weapon would mean establishing that this was the object that caused the injuries leading to the victim's death. It would not necessarily establish who used the object, but it would be direct evidence about what brought about the death.

More commonly, direct evidence is presented in spoken form, called testimony. Testimony consists of the witness's descriptions, opinions, or inferences that are reasonably based on his or her own perceptions of the “facts.” The witness should be an eye-witness to events relating to the crime or incident at hand. Direct observations are considered among the best kind of evidence, particularly when they are supported by other people's observations. Together, these provide the evidence used to persuade the judge and/or jury of the “true facts” in the case.

Explore and classify the evidence

- Divide students into groups of four or five and assign each group to read one of the four documents listed in *Step 3: Finding and Classifying the Evidence*.

STEP 3: FINDING AND CLASSIFYING THE EVIDENCE

Before you classify and evaluate specific evidence brought against Angélique, it will be useful to add to your knowledge of the case by reading several historical documents prepared by court officials involved in the trial. Carefully read the following primary documents:

- *King's Prosecutor*: The petition or warrant for Angélique's arrest that outlines in brief the case against her.
- *Bailiff (or Sheriff)*: Report of Angélique's arrest.
- *King's Counsellor*: An outline of the first interrogation of Angélique, where she is confronted with the evidence against her and asked to state her guilt or innocence.
- *Judge*: This document contains the verdict and sentence of Angélique.

EVIDENCE IN THE CASE

Secondary documents

Welcome
Angélique's Trial
The Rumour Circulates
The Accused Denies

In The Dock
The Sentence and Appeal
Torture and Execution

Primary documents

Court documents of court officials

Petition by the King's Prosecutor for the arrest of Angélique and of Claude Thibault, April 11, 1734
Report of the arrest of Angélique by bailiff Jean-Baptiste DeCoste, morning, April 11, 1734
First interrogation of Angélique, afternoon audience, April 12, 1734
Legal opinion by Jean-Baptiste Adhémar [conviction and sentence] June 4, 1734

Court documents of witnesses

Confrontation of Marguerite de Couagne (Angélique's mistress) 3rd witness, June 2, 1734
Deposition of Marie dit Manon, (Panis slave) 4th witness, audience of 2 in the afternoon, april 14, 1734
Deposition of Jeanne Tailhandier de Labaume, 8th witness, audience of 2 in the afternoon, April 15, 1734
Addition of information by Amable Lemoine Moniere, 23rd witness, 5 in the afternoon, May 26, 1734

- Distribute copies of *Identifying and Classifying the Evidence*.



MysteryQuest 2

Support Materials 2 (Activity Sheet)

Identifying and Classifying the Evidence

Column A Name of Person	Column B What is this person presenting as evidence to suggest that Angélique started the fire?	Column C How does this evidence relate to the crime of which Angélique is accused?	Column D What kind of evidence is this: - Hearsay? - Character evidence? - Circumstantial evidence? - Direct evidence?
<i>King's Prosecutor</i> (explaining why he wants the arrest Angélique)	Angélique had already run away with her lover once Angélique threatened her mistress on a number of occasions On the day of the fire, Angélique had threatened that people would "not sleep in their beds" that night Angélique went into the attic and lit the fire Angélique stopped children who saw the fire from spreading the word	Shows that she did not have the proper respect for her mistress Shows a general inclination for violence She appears to know in advance that their homes would be destroyed soon Direct evidence of her crime Evidence of more criminal activity	- (Bad) Character - (Bad) Character - Hearsay - (Bad) Character - Eye witness testimony (if the person actually saw her do this) - Eye witness testimony (if the person actually heard her do this)

Great Unsolved Mysteries in Canadian History ©
MysteryQuest 2 – Did Angélique Start the Fire? Evaluating the Evidence
MysteryQuest 2 Home Website – Torture and the Truth: Angélique and the Burning of Montreal

- Using *Step 4: Exploring the Evidence from the Four Witnesses*, demonstrate how to complete the activity sheet using the Petition by the King's prosecutor for Angélique's arrest.
- Direct student groups to complete the remainder of the activity sheet for the other four witnesses.

STEP 4: EXPLORING THE EVIDENCE FROM THE FOUR WITNESSES

The four documents listed below are by key witnesses who gave testimony during the trial. Using these documents, complete the two-page chart *Identifying and Classifying the Evidence* by providing the following information:

- Column B: What is this witness presenting as evidence to suggest that Angélique started the fire?
- Column C: How does this evidence relate to the crime of which Angélique is accused?
- Column D: What kind of evidence is this: hearsay, character, circumstantial, or direct evidence?

The chart offers an example of how to answer these questions based on the reasons put forward by the King's Prosecutor for arresting Angélique.

Your task is to use *Identifying and Classifying the Evidence* to identify and label the evidence provided by each of the following witnesses:

- Marguerite de Couagne (Angélique's mistress/owner)
- Marie dit Manon (Panis slave)
- Jeanne Tailhandier dit Labaume
- Amable Lemoine Moniere

Draw Conclusions

- Re-group students into fours so that each group is comprised of students who have read each of the four key documents.
- Using *Step 5: Drawing Conclusions*, direct students to complete *Drawing Conclusions*. Students should draw on both the witnesses' testimonies and their initial readings to complete the chart and make their group's general determination of Angélique's level of guilt or innocence.

STEP 5: DRAWING CONCLUSIONS

After you have classified the kinds of evidence presented by the four witnesses, transfer the main evidence you have compiled in *Identifying and Classifying the Evidence* to *Drawing Conclusions*. Summarize the evidence according to its kind and then record possible questions or weaknesses for each piece of evidence. Think of the explanation for each kind of evidence to help you identify potential concerns about the reliability of the evidence provided by the witnesses.

Your final task is to decide whether Angélique is guilty or innocent based on the evidence offered by the four witnesses. Does this evidence provide you with "proof beyond a reasonable doubt" of Angélique's guilt? Review the definition of "beyond a reasonable doubt" before coming to a conclusion. Indicate your conclusion on the scale (provided in *Drawing Conclusions*) ranging from "Overwhelming proof beyond any doubt that she is guilty" to "She is definitely innocent." Offer four reasons why the evidence does or does not provide you with "proof beyond a reasonable doubt" that Angélique started the fire.

Prepare your recommendation

- After discussing the case within each group, ask students to make their own written judgment on either guilt or innocence beyond a reasonable doubt. Their decision must be supported by three reasons which clearly explain how the evidence does or does not support the guilt or innocence of Angélique.
- Divide students into two groups - those who think she is guilty, and those who think she is not guilty. Ask each side to present their case, for or against. To enhance the event, invite a guest or two to hear the cases and to render their verdicts given the argumentation and evidence presented.



MysteryQuest 2

Support Materials 3 (Activity Sheet)

Drawing Conclusions

Type of evidence	Summary of	Potential questions or weaknesses in the evidence
Hearsay		
Character		
Circumstantial		
Direct (eye-witness testimony and real evidence)		

Does this evidence provide you with "proof beyond a reasonable doubt" that Angélique set the fire?

Overwhelming proof beyond any doubt that she is guilty <input type="checkbox"/>	Proof beyond a reasonable doubt that she is guilty <input type="checkbox"/>	She is likely guilty but there is reasonable doubt <input type="checkbox"/>	She is most likely innocent <input type="checkbox"/>	She is definitely innocent <input type="checkbox"/>
--	--	--	---	--

Explanation:

Great Unsolved Mysteries in Canadian History©
MysteryQuest 2 - Torture and the Truth: Angélique and the Burning of Montreal
MysteryQuest 2 Home Website - Torture and the Truth: Angélique and the Burning of Montreal

Evaluation

- Assess group work on *Identifying and Classifying the Evidence* or encourage peer assessment using the rubric *Assessing the Kinds of Evidence*. No grades need be assigned here if the intended goal is feedback for the authors prior to their final presentation.



Assessing the Kinds of Evidence

	Outstanding	Very good	Competent	Satisfactory	In-progress
Identifies relevant and important evidence	Identifies the most important and relevant statements in the documents.	Identifies relevant statements, including most of the important ones in the documents.	Identifies some relevant statements in the documents, but important ones are omitted.	Identifies some relevant statements in the documents, but many important ones are omitted.	Identifies no relevant statements in the documents.
Identifies the kind of evidence	Correctly labels the kinds of evidence provided in each of the documents.	Most of the time, correctly labels the kinds of evidence provided in each of the documents.	Correctly labels much of the evidence provided in the documents; errors are generally understandable.	Correctly labels some of the evidence provided in the documents.	Incorrectly labels almost all of the evidence provided in the documents.

- Use the rubric *Assessing the Quality of Evidence* to evaluate students' presentations of their recommendation and support.



Assessing the Quality of Evidence

	Outstanding	Very good	Competent	Satisfactory	In-progress
Recognizes possible weaknesses	Recognizes and very clearly explains the most important weaknesses in the evidence provided.	Recognizes and clearly explains most of the important weaknesses in the evidence provided.	Recognizes some important weaknesses in the evidence provided; the explanations are generally quite clear.	Recognizes some weaknesses in the evidence provided; the explanations are only occasionally clear.	Recognizes almost no weaknesses in the evidence provided; none of the explanations are clear.
Offers plausible conclusion	The conclusion is highly plausible and highly justifiable in light of the evidence.	The conclusion is clearly plausible and justifiable in light of the evidence.	The conclusion is plausible and somewhat justifiable in light of the evidence.	The conclusion is plausible but is barely justifiable given the evidence.	The conclusion is implausible and not justifiable given the evidence.

Great Unsolved Mysteries in Canadian History®
 MysteryQuest 2: Did Angélique Start the Fire? Evaluating the Evidence
 MysteryQuest 2 Home Website - Torture and the Truth: Angélique and the Burning of Montreal

Extension

- Invite students to work individually or as a class to pursue the suggested activities listed in *Extension*.

EXTENSION

What additional evidence would you need?

Describe the amount and kind of additional evidence you would need to establish whether or not Angélique was guilty of the crime.

Examine additional documents

Locate the testimony of other witnesses who were called to testify in Angélique's trial and evaluate the kind and quality of their testimony.

Offer Angélique's side of the story

Prepare a first person account written from Angélique's point of view of events from lead up to the crime until her torture and death. Whether you believe she is guilty or innocent, provide a thoughtful and personal explanation of the events as Angélique might have seen them.

Colonial justice in New France

Prepare an assessment of the state of legal justice in New France. Draw about what you have learned from Angélique's trial and consider the historical documents listed to learn more about legal practices at the time.

Life in eighteenth century Montreal

Prepare a report comparing life and conditions of the following groups—free women, free men, and slaves—in eighteenth century Montreal. Read the historical documents listed to learn more about each group.