

# LES APPRENTIS, 1839



L'Église Notre-Dame, Place D'Armes, avec vue sur la rue St-Joseph qui la longe à gauche.

**PEACE OFFICE.**

DEPARTMENT OF JUSTICE, CANADA

Majority of the Peace, for the said District of Montreal, this 19th day of August 1839, in the year of our Lord one thousand eight hundred and thirty nine, the undersigned of the Peace, do hereby certify that

*Personally* examined and sworn before me on the 19th day of August 1839, in the year of our Lord one thousand eight hundred and thirty nine, the undersigned of the Peace, do hereby certify that

*William Vanderboeght*, of the Parish of St-Joseph, in the City of Montreal, who after being duly sworn on the Holy Evangelists of Almighty God, deponent and saith that

*he has had in his possession and control* the person of *Thomas Clotworthy and Henry Cole* the former of whom is a free man and the latter a slave man. *That the said boys, since Cole has entered his household, have, about three months ago, been kept in the upper part of the house in a room adjoining his own.*

*That some about three weeks the deponent having an unusual noise in their bedroom caused by the rattling and shaking of the bed-stead.* *That the deponent, in a fit of rage, took the said boys and their mother, having the same noise and the deponent's bed crying out for the guilty to their bedroom door and letters, and the deponent, passing the door, the said Clotworthy says to him "This is the way that women have children their thing here," "give that hand" and then, "give me the other hand" and "put me in."* *That the deponent, having no other witnesses, had the deponent being satisfied of what they were doing, and the deponent, therefore, informed the mother of what had taken place.*

*E. E. Vanderboeght*

*P. E. Seclere* J. P.

Déposition d'Éve Vanderboeght, 19 août 1839.



Carte de la ville en 1825. On distingue clairement la rue St-Joseph, aujourd'hui rue St-Sulpice, où les apprentis furent surpris en flagrant délit.

19<sup>th</sup> Day of August 1839

**DOMESTIC BOX**

AGAINST

*Thomas Clotworthy*

**OFFENCE.**

*Buggery*

Deposition of *E. Vanderboeght*  
and Recognition to give evidence.

*Johnes Street 1839*

Page titre de la déposition de William Lawley. Sous la rubrique « OFFENCE », c'est à dire crime, on indique « Buggery », c'est-à-dire bougerie ou sodomie



Vue de la Place D'Armes avec 2 églises, alors que l'on construisait la basilique Notre-Dame

À la suite de la Guerre de sept ans, la Nouvelle-France passe sous juridiction britannique en 1763. L'Acte de Québec de 1774 assure le maintien de la loi civile française, de l'église catholique et du régime seigneurial, mais le droit pénal est quant à lui fondé sur le droit coutumier anglais. En ce qui concerne les relations sexuelles entre hommes, ce changement n'avait que peu d'impact. Le vice « abominable de bougerie » ou la sodomie reçoit depuis le dix-septième siècle une définition restrictive fondée sur le coté anal entre hommes. Bien qu'un sodomite soit possible de la peine de mort, l'application de la loi varie selon l'époque et l'endroit.

La transition d'une société agricole à une économie manufacturière urbaine en Europe comme en Amérique du nord accroît l'indépendance des jeunes travailleurs à l'égard du contrôle familial. Ceci facilite l'émergence d'une nouvelle sous-culture homosexuelle dans des villes comme Amsterdam, Londres et Paris. Il y a peu d'indices du même phénomène en Amérique pour cette époque, mais nous avons cependant quelques informations sur un cas de relations sexuelles entre deux jeunes hommes.

À Montréal, comme ailleurs, le système des parents a créé des maisonnières dans lesquelles les travailleurs de tous âges vivent en commun. En 1839, Thomas Clotworthy, 17 ans et Henry Cole, 11 ans, apprentis du doreur montréalais William Lawley sont pris en flagrant délit de sodomie par Ève Vanderboeght, la femme du maître. C'est le seul cas connu en Amérique d'une poursuite pour sodomie qui résulte du partage d'un lit dans ce genre de maisonnée. Hormis le témoignage ici présenté nous n'avons aucune information supplémentaire sur les accusés ni leurs familles. Nous savons simplement que Lawley fait affaires au 29, rue St-Joseph (actuellement la rue St-Sulpice, près de la Place d'Armes), où il fabrique des enseignes, des cadres et des miroirs. Le sort des deux jeunes apprentis n'est pas connu.

The conflict between France and Britain known as the Seven Years War resulted in New France passing into British colonial jurisdiction in 1763. The Quebec Act of 1774 assured continuity of the French traditions of civil law, Catholicism and the seigneurial system. However, criminal cases would henceforth be tried under British Common Law. This resulted in very little change with regard to sexual relations between men. The "abominable vice of buggery" or sodomy, had since the seventeenth century been narrowly defined as anal intercourse between men. Although the crime was punishable by death, enforcement varied considerably with time and place.

The shift at this time from a predominantly agricultural to an urban manufacturing economy in both Europe and North America resulted in increasing independence of working males from the traditions of the family. This contributed to the rise of a new urban homosexual subculture in such major cities as London, Paris, and Amsterdam.

New World equivalents are harder to find, but evidence of one case of same gender sexuality does survive from early nineteenth century Montreal. Here as elsewhere, the apprenticeship system created parallel households in which male workers of all ages shared all aspects of their lives. In 1839 Thomas Clotworthy, aged 17, and Henry Cole, aged 11, apprenticed to Montreal gilder William Lawley, were discovered committing sodomy by their master's wife Ève Vanderboeght. This is the only documented New World civilian case of sodomy prosecution resulting from the practice of bed-sharing. Research has revealed nothing about the boys or their families. William Lawley and his apprentices made signs, picture frames, and mirrors and resided at 29 rue St-Joseph (now rue St-Sulpice, east of the Église Notre-Dame and south of Place d'Armes). These contemporary engravings show the Place d'Armes area at this time. Nothing is known of the fate of the unfortunate apprentices.

