

Correspondence
respecting
Mr. Thompson.

had exported the timber belonging to the defendants, which had been in their possession. The said Robert Ferguson ended by losing his debt, and paying the costs incurred. The distance from the residence of the said Robert Ferguson to Paspebiac is about 30 leagues. There is another case which I shall now cite:—Germain Dionne, now deceased, in his lifetime residing in the neighbourhood of the place called "Little Gaspé," came to Douglass Town in the month of August, in the year 1828, for the purpose of obtaining a writ of *saisie revendication* against certain timber to him belonging, and then in the possession of William Pickford. This was also on the last day of the term of the said court at Douglass Town aforesaid. The said judge refused to stop an instant, telling the said Germain Dionne to follow him to Percé, where he would grant him the writ. The said judge immediately left Douglass Town for Percé. Germain Dionne followed him the same night, and when he got to Percé the said judge had left it again for Paspebiac. The said Germain Dionne then went home, for the purpose of preparing for the voyage to Paspebiac. The distance from Percé to Dionne's residence is about 10 leagues, so that the said plaintiff travelled 20 leagues to obtain nothing, while his property was all the while in jeopardy, because the said judge would not give the said Dionne half an hour's delay. The said Germain Dionne having determined to make the voyage to Paspebiac, went there in November of the same year, but could not obtain the writ of *revendication* from the said judge, until four or five days after his arrival at Paspebiac. He then left Paspebiac to go home, carrying with him the documents necessary to seize his property in *revendication*. He had with him the original writ and the copy thereof, together with the declarations, and also the warrant authorizing Samuel Ray to execute the said writ. Germain Dionne and a man in his employ, who was with him in his boat, were unhappily lost in a storm opposite Grande Riviere, in the county of Gaspé, while they were on their way home. I have never since seen the papers which had been delivered to him. Dionne's representatives lost their recourse against William Pickford, who left the inferior district of Gaspé in the fall of the same year for Europe: he is since dead, as far as I can learn. From the house where the said Dionne lived to Paspebiac, the distance is about 32 leagues by sea. Great inconvenience also arises in the dispatch of business, from the said judge's living at Paspebiac, a distance of about five miles from the town of New Carlisle, where the court-house and prothonotary's office of the said provincial court are situate. In cases of *saisie arrêt* or *capias ad respondendum*, or other writs, the debtors have time, before the creditor can obtain the fiat of the judge, to make away with their property, or to get into the province of New Brunswick by crossing the Bay of Chaleurs. It is only with great difficulty that a creditor can succeed in obtaining such writs. He must, in the first place, go to the said judge to take the oath required by law, in order to obtain the judge's fiat for the writ, he then goes to the prothonotary's office and obtains his writ; he has then to return to the house of the said judge to get his signature to the said writ, and then comes back to New Carlisle to place it in the hands of the sheriff of the district aforesaid; so that a creditor who has perhaps come 10, 15 or 20 leagues to his attorney at New Carlisle, is under the necessity of travelling 20 miles further in order to obtain his writ. If this happens in the spring or in the fall, when the roads are bad, it takes him a considerable time thus to obtain his just legal right. During the time that I was sheriff of the said inferior district, I encountered great difficulties with regard to the business which I had to transact with the said judge in chambers (as, for instance, the taxing of my bills, and other matters), in consequence of the negligence of the said judge, who attends very rarely at chambers, and who, when he comes there, remains only a few minutes, and comes very frequently before or after the hour he has appointed in a previous interview. The attorneys and other officers of the said court have, to my knowledge, had the same trouble, whereby all the parties suffer detriment. It is also to my personal knowledge as having been sheriff of the said district, that the said judge, in consequence of his drunkenness during the vacations between the terms of the said provincial court, from the year 1827 to the 4th of November 1832, was, in an infinity of cases, an absolute obstacle to the despatch of business, and that great damage was sustained by the public in consequence. The said judge has for many years occupied the house of one Jacques Lamy at Paspebiac aforesaid, which was built expressly for the said judge. It is a large and handsome house, and cost from 800*l.* to 900*l.*; but if the dependencies and appurtenances be taken into account, it has cost at least 1,200*l.* The whole is let to the judge at the rate of 60*l.* a year. But the said Jacques Lamy is bound to furnish the said judge in agricultural produce, land and work to the value of at least 50*l.* a year, so that the said judge is lodged for the very moderate sum of 10*l.* a year. The said Jacques Lamy has doubtless lost much by this bargain, and the said judge has been a considerable gainer, and, in my opinion, this is one reason why the said judge lives so far from New Carlisle. From the residence of the said judge to the court-house at New Carlisle, the distance is about five miles. The said judge might procure a commodious house near the court-house, at a moderate rent, if he wished to do so. I believe that if the said Jacques Lamy loses money on the rent of the said house, he gains considerably by the judgments which are given in his favour in the said provincial court, in causes to which he is a party, or in which at least he is one of the parties interested. What I say on this head is from common report; but the several advocates and attorneys of the said court could, I think, establish these facts of partiality and injustice on the part of the said judge. It is also to my knowledge that there are many transactions and a commercial interest between the said judge and the said Jacques Lamy, tending to the profit of the latter. I know these facts from the conversations I have had with the said Jacques Lamy, but I do not remember what the particular kind of business or speculation was.