

and saith, that he has known the Hon. Lewis Guky, sheriff of the said district of Montreal for upwards of 30 years; that during the last war with the United States of America this deponent served as an officer, at first as lieutenant and afterwards as captain in the third battalion of Incorporated Militia; and that for the last two years of the said war the said Lewis Guky was lieutenant-colonel commanding the said battalion, and that he had much influence over the said battalion, arising from the kind and proper treatment which they experienced at his hands.

Correspondence  
respecting  
Mr. Guky.

(signed) B. J. Schiller.

Sworn before me, this day and year above written.

George Pyke, J. K. B.

— No. 2. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 16 Nov. 1836.

I HAVE had the honour to receive your despatch of the 11th of August last, relative to the case of Mr. Guky. To that communication and the numerous documents by which it is accompanied, I have given the most attentive consideration.

In proceeding to acquaint you with the view which I have taken of the charges preferred against Mr. Sheriff Guky by the House of Assembly, I may observe that, unlike the cases of several of the other public officers of the province whose dismissal has been called for by the House, that of Mr. Guky is connected with no political question or subject of public controversy, the settlement of which would necessarily be preliminary to, or at all events concurrent with a decision on its merits. There is no reason, therefore, why I should postpone the review of a case which your Lordship has placed before me in a most complete and satisfactory shape.

The charges preferred against Mr. Guky have arisen out of the proceedings of two committees of the House of Assembly; the one appointed to inquire concerning the fees and emoluments of judicial officers, the other to inquire into the circumstances attending the death of a person named Collins in the common gaol of Montreal, and further to inquire into the state of that gaol.

The result of these investigations, so far as they implicate Mr. Guky, has been embodied by the Assembly in the same address to your Lordship, but it is necessary that I should advert to them separately. They are, in truth, entirely distinct from each other.

1. The first series of charges against Mr. Guky relate to the returns of his emoluments which he has furnished for insertion in the Blue Book, and to the nature of the evidence given by him before the committee on judicial fees.

Under this head he is accused by the Assembly of having purposely, deliberately and corruptly deceived the Government of the province, and of having practised towards it a system of fraud and deceit, in having concealed from its knowledge a great part of the emoluments of his office by furnishing unfair and false returns thereof for several successive years.

To this accusation Mr. Guky replies, that the yearly returns alluded to were as nearly accurate as he could make them, from the imperfect notes or memoranda of his accounts which he kept privately; that he is not capable of keeping what are called regular books of accounts, and that if he has fallen into error, it was unconsciously.

With this explanation I am far from being satisfied.

The returns furnished by Mr. Guky for the Blue Book, for the five years from 1830 to 1834, inclusive, give an average income of 1,382 *l.* 9 *s.* 2 *d.* currency per annum. It is not stated in these returns whether the amount so returned of the sheriff's emoluments was gross or net. The committee seem, however, to have arrived at the conclusion that it was intended to represent the gross amount of the sheriff's emoluments, and Mr. Guky does not dispute the correctness of their decision on that point.

The expenses of the office, stated by Mr. Guky himself to amount to 514 *l.* a year, being therefore deducted from the above average would, according to the Blue Book, leave the net annual amount of the sheriff's emoluments at the sum of 868 *l.* 9 *s.* 2 *d.*