

the opinion of your Committee, for the sordid and corrupt motives of lucre and gain, harassed and vexed the faithful subjects of His Majesty, and has unjustly exposed them to the expense, shame and disgrace attendant upon criminal prosecutions. In consequence, your Committee have deemed it necessary to accompany the present Report with the following resolutions:

Correspondence
respecting
Mr. Chisholme.

1. Resolved, That it is the opinion of this Committee, that David Chisholme, esq., clerk of the peace for the district of Three Rivers, by persisting, for many years last past, in framing indictments on verbal information, and on depositions which do not contain facts to substantiate the crimes which formed the subject of the prosecution, has been guilty of oppression towards the subjects of His Majesty, of fraud towards His Government in this province, and of high misdemeanors and malversation in his office, and that with the sordid and corrupt view of increasing his emoluments.

2. Resolved, That it is the opinion of this Committee, that by this conduct the said David Chisholme, esq., clerk of the peace for the district of Three Rivers, has, inasmuch as in him lay, brought the administration of criminal justice in the court of quarter sessions for the district of Three Rivers into dishonour and contempt; that he has been guilty of high misdemeanors, and is unworthy of the confidence of His Majesty's Government.

3. Resolved, That it is the opinion of this Committee, that for the reasons above mentioned it is expedient that an humble address be presented to his Excellency the Governor-in-chief, praying that it may please him to make use of the powers with which he is vested, and dismiss the said David Chisholme, esq., from the office of clerk of the peace for the district of Three Rivers, and of all other places of confidence in the province, and hereafter not appoint him to any office of trust herein.

The whole nevertheless humbly submitted.

22 January 1836.

(signed) Edward Barnard, Chairman.

MINUTES OF EVIDENCE.

Wednesday, 9th December 1835.—LOUIS HYPOHITE LAFONTAINE, Esq., in the Chair.

David Chisholme, Esq., called in; and Examined.

1. Are you not the clerk of the peace for the district of Three Rivers, and when were you appointed?—I am, and was appointed the 11th November 1826.

2. Please state what are the duties of the clerk of the peace?—My duty is to attend at the peace-office, and to perform all police services therein, and to attend as the clerk of the weekly and quarter sessions of the peace.

3. Do you receive any and what salary as such clerk of the peace?—I do not; my emoluments are derived from fees established by a tariff made by the justices of the peace in general quarter sessions of the peace, and by another tariff, made, as I understand, by the executive, both which tariffs I produce. I also produce the tariff regulating the fees of the grand voyer, made by the said justices of the peace.

4. In virtue of what authority are established the tariff or tariffs made by the magistrates?—The tariff for the clerk of the peace and attorneys, constables and criers, is made in virtue of the Act of the provincial legislature, 41 Geo. 3, c. 7. I am not aware by what authority the said tariff made by the executive was made.

5. Do the fees established by such tariffs extend to the duties and acts done out of the courts of quarter sessions and of the peace?—The fees established by such tariffs are applied to my duties as clerk of the peace, performed both in the peace-office and in the sessions of the peace.

6. Since you have been in office have you claimed and received the fees established by the tariff which you conceive was made by the executive government?—I have charged them to the executive government.

7. Have you not received fees from individuals under the said tariff?—Never; that tariff applies only to criminal prosecutions instituted on the part of the Crown, such as larceny and petit larceny, and all cases of misdemeanors, except simple assaults and batteries.

8. Does that tariff apply to proceedings for simple assault and batteries?—It does not.

9. What is the average annual amount of fees for services done out of the courts since you have held the said situation?—The average may amount to about 60*l.* per annum for services performed out of the sessions, and I produce a statement showing the amount for the last four years; but I have not kept copies of the detailed accounts to which that statement refers.

10. What fees do you receive on certificates for licences, and in virtue of what authority?—I produce a statement showing the number of such certificates and the amount of such fees, and I receive them in virtue of the said tariff made by the justices of the peace.

11. Does that statement include fees on licences for ferries and pedlars?—Yes.

12. What fee do you charge and receive on certificates granted to tavern-keepers, when they have given security to enable them to have their licences?—I receive 3*s.* 6*d.*

13. Are you not aware that by the sixth clause of 35 Geo. 3, c. 8, the clerk of the peace is not entitled to more than 2*s.* 6*d.* for granting the said certificate to tavern-keepers?—I am not; I took the fees that my predecessor took for the certificates, on the authority of the said tariff made by the justices of the peace.

14. Are there any cases in which you receive other fees than the said sum of 3*s.* 6*d.* on licences?