

Correspondence
respecting
Mr. Thompson.

alone, and that at the said term in September he had his lady with him, to prevent him from giving way so publicly to the immoderate use of intoxicating liquors. At the time of the said court held at New Carlisle, in March of the year 1828, I saw the said judge very often, almost every day, not in a state of absolute drunkenness, but in such a state as to be incapable of performing his judicial duties. I speak of the conduct of the said judge in court during the greater part of the sittings of the said court, at the said term held in March last mentioned. From the term held in March 1828 to the term held in September 1832, the conduct of the said judge on the bench, during the sittings of the court in the inferior district of Gaspé, was the same during the several terms of the said provincial court, held during the said space of time as that previously held by the said judge during the said March term of the year 1828. I except the July term at Carleton in the year 1832, when I was represented by a deputy, at which term the lady of the said judge did not accompany him. According to common fame, public report, and what my deputy told me, the said judge was drunk during the whole of the said July term, from the first day to the last; the said judge was even unable to sit during several days of the said term. On the 4th of November 1832, according to the orders of the civil secretary for the time being, I left the inferior district of Gaspé to come to Quebec, a journey which I performed partly by land and partly by sea; I have remained at Quebec from December of the same year until the present day. Since my departure from the said inferior district of Gaspé in the year aforesaid, the common report has been, that the intemperate conduct of the said judge has been, and is to the present day, the same as that which I have mentioned above. There were no cases of cholera in the district of Gaspé in the year 1832. The inconveniences which I have pointed out, as arising from the intemperate conduct of the said judge, are not the only ones to which the inhabitants of the district of Gaspé are exposed. It is to my knowledge that the said judge, during my residence in the district, was in the habit of going to the several places in which the courts are held in the said inferior district of Gaspé, so as almost always to arrive there the evening before the opening of the court, and of going away again immediately after the last sitting of the court, much to the prejudice of the interests of the inhabitants of the several localities in which the said courts are held, both with regard to the issuing of writs of *saisie* before judgment, and of writs of execution after judgment, inconveniences which it would always have been easy to avoid, if the said judge had always reached the said places a few days before, and left them a few days after the holding of the said courts. It is also to my knowledge that the said judge absented himself several times from the said district to go to Quebec, in the spring of almost every year during his residence in the district of Gaspé, whereby great damage has generally been occasioned to persons who were under the necessity of suing out writs of *saisie* before judgment. I can point out among others the case of William Carter, plaintiff, against Timothy Lefforgie, defendant. In this cause the plaintiff had obtained a writ of *saisie arrêt simple*, returnable before the provincial court of the inferior district of Gaspé. It was my duty to execute this writ in my quality of sheriff of the said inferior district. I went to execute the writ, but the defendant shut the door of his house, or caused it to be shut, and I could not consequently seize the goods and chattels of the said defendant. The judge had then left Paspébiac for Quebec; this was in the spring of the year 1828. I could not break open the doors of my own authority, and I applied to the attorney of the plaintiff, who could not give me a writ to authorize me to break open the defendant's door, on account of the judge's absence. On the 6th of May in the same year, the schooner, on board which the said judge was, came back to anchor again at Paspébiac, in consequence of contrary winds. The plaintiff's attorney then went on board the schooner in which the judge was, to obtain the writ to authorize me to force the door of the defendant's house. A second writ to take the body of the defendant had been placed in my hands by the said attorney; but the second writ could not be executed any more than the first, the defendant having then carried away or disposed of his moveables, and having even left the district of Gaspé. The plaintiff got off by losing his recourse and paying the costs. With regard to the inconvenience which has arisen from the precipitate departure of the judge after the circuit courts, I will state the following facts: Robert Ferguson, of the province of New Brunswick, came to Carleton in the year 1828, for the purpose of suing out of said provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel McKay and James McKay, and a writ of *saisie arrêt en mains tierces* in the hands of Andrew Deans and Hugh Aitken, merchants in partnership at Ristigouche, in the inferior district of Gaspé, for a sum (as far as I can recollect) of 600*l.* or 700*l.*, the action being returnable before the Court of King's Bench for the district of Quebec. Edouard Thibaudeau, esq., advocate and attorney, applied to the said judge on the last day of the term at Carleton, in the year 1828, on the day of the last sitting of the court, to get the said Robert Ferguson sworn, and to obtain from the said judge his fiat for a writ of *saisie arrêt*. It was between nine and ten in the morning when the said Robert Ferguson went to find the said judge to get sworn. The said judge was on the point of starting, and refused to swear the said Robert Ferguson, alleging that he, the said judge, had no authority to issue writs like this. He promised to delay his departure. We went to fetch the statutes, and on our return the said judge was already under sail. We called and made signs to him to come back to land: he was then at a little distance from the shore, and could not help seeing and knowing us, nevertheless he continued his voyage and left us there. The said Robert Ferguson was then obliged to follow the said judge to Paspébiac, where he employed the ministry of Joseph F. Deblois, esq., advocate, to obtain the *fiats* for the writs above mentioned, (Edouard Thibaudeau, esq., being then gone to attend the court at Percé). The said Robert Ferguson at last obtained the said writs, but the defendants had left the district of Gaspé, carrying with them their goods and effects, and the Garnishées had