

Correspondence
respecting
Mr. Chisholme.

Your Committee have, moreover, to express their surprise, that the inferior officers of the court of quarter sessions at Three Rivers, since the accession of Mr. Chisholme to office, have acted the part of spies and informers, and that they have thus secretly, and without any responsibility on their part, caused many innocent persons to be wrongfully accused.

It also appears that, for some years past, and particularly for the last five years, indictments for assault and battery have, in almost all instances, contained a count for an assault and battery with an intent to murder, and that, previously, indictments containing such a count were of very rare occurrence.

This circumstance giving necessarily reason to suppose that the brawls and disputes which have occurred of latter years, in the district of Three Rivers, have been nearly all marked with a degree of ferocity, which the intent to commit the atrocious crime of murder must suppose, could not but particularly arrest the attention of your Committee. Unless otherwise explained, such a circumstance would induce your Honourable House, and the province in general, to come to the conclusion, that the mild and peaceable habits which happily form the character of the inhabitants of Lower Canada, and of the district of Three Rivers in particular, have, in that district, almost instantaneously been changed for the worse, to the alarming degree that, with few exceptions, every quarrel, generally of such petty consequence in the other sections of the province, has been there, for several years past, attended with violence and a thirst for blood.

Your Committee, however, after examining the depositions upon which the indictments which have been laid before the grand jury have been framed, and the other documents produced to your Committee, see nothing to authorize the supposition, that the broils which have arisen in the district of Three Rivers are at all different from those which occur elsewhere in the province.

Your Committee beg to refer, in this respect, to that part of the testimony of Mr. Chisholme in which he owns, that many depositions which he has produced contain nothing to render him justifiable in having framed thereon indictments for assault and battery with an intent to murder. It is proper to remark to your Honourable House, that Mr. Chisholme has given, as his justification for having done so, that, independent of the facts as stated in these depositions, he probably received verbal information upon which he framed such indictments.

Your Committee refer also your Honourable House to the evidence of the Attorney-general of the province, and of such of the clerks of the peace who were examined on the subject. They declare that they would not consider themselves justifiable in framing indictments for assault and battery with an intent to murder, on depositions complaining of a simple assault and battery, or on verbal information of facts not stated in depositions submitted to them.

Your Committee find that many of the depositions produced by Mr. Chisholme contain the assertion, that the lives of the persons who made them were in danger, although the facts stated in the depositions authorise, in very few of the cases, such assertions. To explain this circumstance, it suffices perhaps to remark, that the greater part of these persons did not understand the language in which the depositions are written, Mr. Chisholme not being sufficiently acquainted with the French language to prepare in that, the depositions which he is in the habit of receiving.

In the five years which preceded the year 1831, there were only five indictments in all for assault and battery with an intent to murder, while your Committee find that, of 89 indictments submitted to the grand jury for the last five years, 84 have contained the count that the offence has been committed with the intent to murder. Of this number but six persons have been found guilty of the crime as laid in the indictment.

Many of the persons accused have not taken their trial when the indictment has been reduced by the finding of the grand jury to simple assault. The reason given by Mr. Chisholme is, that in these cases he does not proceed to trial unless his fees on the proceedings, subsequent to the finding of the bills, are assured to him by the private prosecutor; and he added, that in many cases the latter had paid him such fees. Your Committee having directed him to lay before them a list of such cases; he undertook so to do. This order not being complied with, your Committee were under the necessity of directing him to come down from Three Rivers a second time. Mr. Chisholme, on his second examination, stated that he could not produce the list demanded, because he was never paid any fees by the private prosecutor. Being asked how he explained the contradiction between this statement and his remarks on the former occasion, he was not able to do so in a satisfactory manner, and has thus, in the opinion of your Committee, been guilty of a manifest contradiction, and of a wilful misrepresentation of facts.

Your Committee have also found that, up to the year 1829, indictments for assault and battery, and proceedings thereon, formed part of the sentence pronounced against defendants when found guilty. A period was put to this practice by decisions of the court of King's Bench, condemning the clerk of the peace and the other officers of the court of quarter sessions to pay back these costs. It is this circumstance which, in the opinion of your Committee, explains the progressive decrease, from that time, of the indictments for assault and battery, for which the clerk of the peace has been since paid by the private prosecutor, and the progressive increase of indictments for assault and battery with an intent to murder, on which the clerk of the peace is paid by Government.

On each indictment for a crime other than simple assault, the clerk of the peace receives *6s. 8d.* from Government, and *13s. 4d.* more when the trial takes place, besides fees on subpoenas and bench warrants. This circumstance forms the explanation of the whole system which has been acted upon by Mr. Chisholme since his accession to office. He has, in
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