

that he the said Archibald would proceed as speedily as possible with the unarmed and defenceless men under his direction, to the place of their destination. That accordingly on the day following, as nearly as this deponent can recollect, the said Archibald M'Donald did in effect endeavour to proceed on his journey with his men and their baggage which consisted only of their clothing, and a small quantity of cloth goods. That while the said Archibald and his men were proceeding quietly along, they were perceived by the said John Fletcher, who immediately ordered his men to take their arms and load them with ball cartridges. That the said John Fletcher then ordered his men to stop the said Archibald's party, which was done in consequence, some of the said party being compelled by main force to throw down the goods they were conveying. That the said John Fletcher ordered some of his men, two privates and a corporal, as nearly as this deponent can recollect, to take the said Archibald M'Donald prisoner, which was accordingly executed; and the said Archibald was conveyed a prisoner to a tent, where a sentinel was placed over him. That the said Archibald was in this manner kept in rigorous confinement from the afternoon until near midnight, during which period the said John Fletcher told this deponent, that the said Archibald should be put in irons, and sent away a prisoner in irons. That the said John Fletcher, in the exercise of his tyrannical power, neither acted as a magistrate, nor alleged any offence to have been committed by the said Archibald, but on the contrary gave this deponent to understand, that he was guided by his own will only, and considered himself above the law.

And this deponent further saith, that the said Archibald M'Donald had been guilty of no crime or offence, but had acted in a perfectly lawful and quiet manner.

(Signed)

*Samuel Gale, jun.*

Inclosure

(3)  
in Sir P. Maitland's,  
of 6th January  
1819.

Dear Sir,

Sandwich, 9th September 1818.

I have read with attention the deposition made by yourself, and the papers accompanying it, which you put into my hands yesterday. Your information certainly conveys, while unexplained, such a charge against Mr. Fletcher as under ordinary circumstances would call loudly for a criminal prosecution, besides the civil remedy given by law to the party. But I feel myself bound to consider the peculiar nature of the duties and powers entrusted to Mr. Fletcher and his coadjutor, to enable them to restore tranquillity to a country in which such violent outrages had been committed, and in which, from its remoteness and extent, and other obvious causes, it appeared the restraints of law could not be enforced in all instances in the ordinary manner, or Mr. Fletcher's appointment would not have taken place; no necessity appears upon the face of your information, for the strong measures Mr. Fletcher is stated to have resorted to. But the high confidence placed in him by his Government, leads me to presume that his conduct is capable of explanation, and that this may be one of those instances in which he exercised that discretion on which his Government relied for preventing the recurrence of disorders, that had led to the extraordinary appointment of himself and Mr. commissioner Coltman.

The acts complained of constitute a civil injury, for which the party aggrieved may appeal to his country for such remuneration in damages, as under the circumstances a jury may think him entitled to claim; but from a consideration of the peculiar nature of Mr. Fletcher's appointment, and how much was necessarily committed to his discretion in the delicate situation in which he was placed; I decline preferring any criminal charge against him for the trespass you complain of, without the express direction of the Government.

I am, &c.

To S. Gale, jun. Esq.

(Signed)

*J<sup>r</sup> B. Robinson.*

Inclosure

(4.)

Sir,

Sandwich, 12th September 1818.

I beg to explain to you in writing, as prosecutor in the charge you required me, as Crown officer, to prefer against Mr. Vandersluys and Mr. James C. M'Tavish, for perjury, upon the information you placed in my hands, the considerations which determine me not to submit such a charge to the grand jury.

The charge made by Messrs. Vandersluys and M'Tavish, which you complain of as a wilful and corrupt perjury is, that the Earl of Selkirk and several others, the leading actors in the forcible possession and detention of the establishment, merchandize and papers of the North-West company at Fort William in 1816, did, on the 14th of August in that year, feloniously steal, take and carry away, 83 fusils the property of the North-West company. This charge, improbable as it seems,

I am