

APPENDIX, (A.)

Affidavit of William Green, Esquire, Clerk of the Crown for the District of Quebec.

Province of Lower Canada.

District of }
Quebec. } To Wit.

William Green, of the city of Quebec, Esquire, maketh oath that he hath held jointly with François Xavier Perrault, Esquire, the office of Clerk of the Peace for the District of Quebec during nineteen years, and had held the office of Clerk of the Crown, during seven years. And the deponent further saith, that on the 26th day of February, now last past at the said city of Quebec, he was examined as a witness, before the Committee of Grievances, sitting under the authority of the House of Assembly of this Province. That in the course of his examination as such witness, as aforesaid, he, this deponent, stated to the said Committee, as part of his evidence that the Attorney General, (meaning James Stuart, Esquire, His Majesty's Attorney General for this Province,) had never taken any step, for causing cases to be tried before the Court of King's Bench for the District of Quebec, which were susceptible of trial and might be tried before the Court of Quarter Sessions for the same District; and that the said Attorney General had never thrown any obstacle in the way of prosecution before the said Court of Quarter Sessions; but on the contrary, that the said Attorney General had, on numerous occasions, and whenever applied to by the Clerks of the Peace, given every facility for removing such difficulties as occasionally occurred, in carrying on prosecutions before the said Court of Quarter Sessions.

And the deponent further saith, that he also, at the same time stated to said Committee, as part of his said evidence, that the consideration by which the said Attorney General has been governed in prosecuting or not prosecuting, in the Court of King's Bench, offences of petty larceny and misdemeanour, has always been, that of the party accused being in custody or not, during the Session of the Court of King's Bench; if the party accused has been in custody during such Session, he has been prosecuted in the Court of King's Bench, in favour of the liberty of the subject, and, as being incident to the delivery of the Gaol; if not, the case has been left for prosecution in the Quarter Sessions.

And the deponent further saith, that his said evidence in the particulars aforesaid, though given before the said Committee as aforesaid, was not reduced to writing, it having been stated by the member of the Committee (Mr. Lafontaine) who put the question, in answer to which the said evidence was given as aforesaid, that it was not necessary to reduce to writing that part of the deponent's said evidence, which is herein before recited. And the deponent further saith, that the evidence aforesaid so given by him, the deponent, as aforesaid, is in all particulars true.

And the deponent further saith, that the said James Stuart, since he came into office, as Attorney General as aforesaid, has not in any instance to the knowledge of the deponent, deviated from the course pursued by his predecessors in office, as to the description of crimes prosecuted by him in the Court of King's Bench. And the deponent further saith, that he passed his clerkship to entitle him to admission to the Bar, in the Province, in the office of the Honorable Jonathan Sewell, Esquire, now Chief Justice and formerly Attorney General of this Province, in and between the years 1803 and 1808; and that the same course pursued by the said James Stuart in the prosecutions of larcenies and misdemeanors as aforesaid, was observed by the said Jonathan Sewell in the criminal prosecutions of that nature, carried on by him in the Court of King's Bench and further the deponent saith not.

(Signed)

WILLIAM GREEN.

Sworn at the City of Quebec, this 4th day
of April, 1821, before me,

Edward Bowen, J.K.B.