

Correspondence
respecting
Judge Fletcher.

as to the propriety of putting an end to the persecution under which I have laboured for so many years, or adopting measures for the further investigation of the matter before some legitimate tribunal; so as to afford me those means of defence which belong, by the laws and constitution of the country, to accused persons in general. The object of my present journey was, as I told you, to obtain an ultimate decision on the very point which I have mentioned; so that if your Excellency should see the matter in the same light as that in which it has been hitherto regarded by your predecessors, the long martyrdom which I have suffered may finally cease, or that I may, on the other hand, be enabled, with the assistance of my professional friends, to prepare for such a defence as the law may require; and the measure proposed by your Excellency is obviously necessary to enable you to make up your mind with regard to the expediency or in expediency of such further proceedings.

It will scarcely be expected that I should, on this occasion, enter into the whole or even into any very considerable portion of the points on which my defence will be founded, or bind myself in any degree with regard to the particular course which either myself or my counsel may think proper to adopt, in case of a legitimate forensic proceeding. All this will of necessity depend on the nature of the act or instrument of accusation; the statements of the witnesses for the prosecution, either on their examination in chief or cross-examination, and a variety of other circumstances which may occur in the course of the investigation, but which are neither under my control, or capable of any precontemplation at the present moment. Subject, however, to this reservation I shall now proceed to recapitulate some of the more prominent topics to which I took occasion to allude at my last audience.

The judicial proceedings which are so violently impugned by the Assembly having been the ultimate consequences of a state of society which is, in many respects, different from any other which is to be found in the British dominions, it appears to be expedient, in order to facilitate the proper understanding of the subject, to endeavour to convey some idea of a few of its more remarkable features.

The tract of land which at present constitutes the district of St. Francis is a part of what were formerly called "the Eastern Townships," a portion of the province which adjoins the boundary line between His Majesty's dominions and the United States, and the inhabitants of which consist, almost wholly, of emigrants from the latter country, by whom it was first settled about the commencement of the present century. Its whole extent may probably be about 3,600 square miles or two millions of acres, and its population, perhaps, 20,000 souls.

For some years after the first settlers commenced their labours the whole of this country continued nearly in a state of nature, and the control of any courts of judicature or system of jurisprudence was nearly unknown; but as the inhabitants increased in number and opulence, a body of speculative characters of no very correct principles, but many of whom possessed no inconsiderable share of natural sagacity, found their way amongst them and endeavoured to render the state of the country subservient to their own interests, by interfering in the traffic of the people, and exciting discord and litigation amongst the more industrious cultivators of the soil.

There were many circumstances which had contributed to promote litigation amongst the people, and consequently to render it an object of illicit gain to such persons as I have mentioned, and to strengthen and extend their influence. One of the principal was the want of an established currency. There was much property which had been raised by toil and industry from the bosom of the forest; but it was all produce; there was no money. A man with 100*l.* worth of stock on his farm could not pay five dollars in specie. Their bargains, their notes and obligations, were all payable in stock or produce of some description or other, and all their trade was barter. If a man owed another a sum of money, it was generally impossible for him to discharge it without the intervention of others, each of whom was to furnish some kind of property to the next in succession, and the best of whom could supply the creditor with some article which he had occasion for in satisfaction of his demand. This had given rise to a system of mutual compensation wholly incompatible with that simplicity and distinctness of arrangement which are essential to fair and successful commerce, and occasioned a degree of complexity and confusion in all their transactions which must be inconceivable to those who have been in the habit of regarding money as the usual medium of exchange.

The intricacy and difficulty thus introduced into every species of traffic in the country naturally occasioned much litigation, which was constantly fomented by the arts of those who regarded it as the means of their livelihood. Every man was accordingly engaged in some controversy, and the roads to Three Rivers and Montreal became thronged with travellers on the approach of every term.

A great additional source of oppression to the inhabitants had been derived from the provincial statute of 1821, for the summary trial of small causes; debts were now capable of being advantageously divided into a larger number of notes than before, and they became consequently better worth collecting. A man who owed 20*l.* was cajoled into the giving of a great number of promissory notes for different portions of it, which were always made the subjects of as many separate actions against him, and suits were multiplied beyond all credibility. Some of the commissioners certainly participated in the profits; others might possibly be honest, but the ultimate effect on the public welfare was nearly the same. Their executions were not returnable at any definite period; and they had no effective control over their officers, and were consequently less able to restrain peculation than superior courts of judicature. The consequence of these concurrent circumstances was, that those miscreants who devoted their lives to the excitement of these controversies, ruled with the most absolute sway, and became the lords of the whole country; and the poor inhabitants were compelled to pay