

Assembly, afford sufficient cause for imputing official misconduct to me: if they did, charges against me, grounded on them, ought to have been exhibited: if they did not, these statements, it appears to me, ought not to have been extracted from the Journals of the Assembly, to be submitted to His Majesty's Government, or to be put into public circulation, to my injury.

At the same time that I have deemed it a duty, therefore, respectfully to solicit your Lordship's attention to the manner in which the animadversions and misrepresentations, as to my conduct, have been brought under your Lordship's notice, I most readily and willingly proceed to point out and refute them.—They are to be found in the Report of a Committee of Grievances, on the Petition of Edward Glackmeyer, in a Report and Resolutions of the same Committee, on the Petition of William Lampson, in which Resolutions the Assembly has concurred, and in detached statements of individuals, unconnected with any subject before the Committee.—In this order, I shall beg leave to advert to them.

In the first of these Reports, my conduct is made the subject of animadversion in two particulars: 1st. In having received fees on new Commissions for attorneys and notaries, on the occasion of the demise of His late Majesty; 2d. In having introduced alterations in the Commissions of Notaries, by which these Commissions are assimilated, it is said, to the Commissions of Public Officers, whose appointment depends on His Majesty.

That these animadversions of the Committee of Grievances may be duly appreciated, it is necessary briefly to state what was done by the Government of Lower Canada, with respect to the issuing of new Commissions, after the demise of His late Majesty, and what acts of official duty were performed by me, in relation to this matter.—On the 7th December, 1830, a circular letter* was addressed by Lieutenant Colonel Glegg, the Governor's Secretary, to the Judges and Law Officers of the Crown, requiring them "to report, with all practicable despatch, for his Lordship's information, what effect (in their opinion) the demise of his late Majesty George the Fourth would have on the Commissions of Public Officers in this Province, after the lapse of six months from that event, and whether a renewal of such Commissions would be of indispensable necessity, before the expiration of the said period of six months." Upon this reference, the Chief Justice of the Province, the Chief Justice for the district of Montreal, and all the Judges, with the exception of two, and all the Law Officers of the Crown, concurred in opinions † separately given, that the Commissions of Public Officers in the colony would be determined at the expiration of six months from the demise of His late Majesty, and that the renewal of them, before the expiration of that period, would be indispensably necessary.—In consequence of these opinions, the Governor of the Province, by an Order in Council, directed the Provincial Secretary to publish, in the Newspapers, a notice ‡ by which persons holding Commissions, during pleasure, under His Majesty's Provincial Government, which, at the time of the demise of His late Majesty, were in force, and would continue to be so, by statute, till the 26th December, might be notified, that their new Commissions, rendered necessary thenceforward by His late Majesty's demise, would be delivered to them, on application at his office. At the same time, an order of the Governor § was conveyed, in a letter from his Secretary, to the Attorney General, directing him to give his assistance to the Secretary of the Province, in the issuing of new Commissions, by preparing such drafts of them as might be required. No authority whatever was exercised by the Colonial Government, as to the issuing of new Commissions, except in the particulars now mentioned. In the course thus taken by the Government, I became its humble instrument, in execution of its express orders, by performing three acts of official duty;—I gave an opinion, as required by the Governor's order of the 7th December, 1830, in which the Chief Justices and Judges of the land, and the other Law Officers of the Crown, concurred;—I prepared the draft of a notice, which was approved by the Governor in Council, who ordered it to be published by the Secretary of the Province; and I prepared such drafts of Commissions, as were required at my hands, by that Officer. It was not to have been imagined, that cause of complaint, either of the Colonial Government, or myself, as one of its Officers, could have been found in these facts.—The measure of issuing new Commissions was adopted on the highest authority within the Colony, and was grounded on the best legal advice that could be obtained, that of the Judges and Law Servants

* Vide Appendix, No. 1.

† Vide Append. No. 5.

‡ Vide three of these opinions in Append. Nos. 2, 3, 4.

§ Vide Append. No. 6.