

I should be most happy to learn what, in such cases, is the usage in England; though it may by no means follow that the usage of Parliament there is, in all things, to be adopted here, or that it can be legally introduced and enforced.

The 31st Geo. 3. will show for what purposes the Legislature of this Province was constituted, and what powers are given to it. It has never been conceived that one of these powers was to prefer impeachments, because the legislative council has no power to entertain them or dispose of them. If therefore the professed object of any inquiry by a Select Committee is to ascertain the truth of a complaint against individuals, it is to be borne in mind how obviously and securely such an inquisition may be perverted to serve the purposes of faction, and may be made the instrument of the greatest oppression and abuse.

A Select Committee, composed of members named at the request of a Petitioner, receives an *ex parte* statement of a case; summons only such witnesses as it pleases, records their testimony, given without the sanction of an oath, and not under the restraint of any responsibility whatever. Upon this evidence a Report is drawn in terms which gratify the malice of an individual, or answer the temporary purpose of an unprincipled faction, by aspersing the fairest characters among their opponents. The individual injured has no redress; he cannot prosecute the conspirators in a court of law. The Committee who manage the inquiry are not sworn as courts are, to decide justly; and when they have made their report, no ulterior proceeding is within the power of the party injured for vindicating his character; no impeachment can follow, and he cannot therefore obtain relief from the unjust accusation. The use of this engine for party purposes has commenced in the present Assembly; but the length to which it has been carried in the last Session, during the unfortunate absence of eight or nine members of the Assembly, has been quite an innovation, and one which I feel it my duty to bring, without loss of time, under the notice of His Majesty's Government.

Perhaps a stronger case could not well be imagined than that which has formed the groundwork of the particular proceeding which I have described. A Mr. Forsyth, a person notoriously of indifferent character, had taken upon himself to enclose part of a public reserve of a chain in width along the bank of the river Niagara. My attention was particularly called to the circumstance by a Petition from some of the inhabitants of the country, who complained of being thus shut out from the river by the illegal act of an individual. I directed the commanding engineer to survey the reserve along the river, and to throw it open to the public. No one but Mr. Forsyth raised any objection. He was remonstrated with in vain; he was asked to remove his fences, but refused. He was told he should have men to assist him, but would not consent; and at length, without any personal violence being offered or threatened, the engineer, with a fatigue party, threw down the fences. The Sheriff of the district was present. Mr. Forsyth brought actions of trespass against the engineer, officer and the Sheriff, whom I have directed the Crown officers to defend. He replaced his fences, and the Attorney-general in consequence filed an information of intrusion against him, which he defended; and upon a full trial by a jury, a verdict was rendered for the Crown, thereby establishing the right which had been disputed. The civil actions, from an error in the plaintiff's proceedings, are yet undecided; and while they are depending in the courts of law, Mr. Forsyth petitions the Assembly, complaining of what he terms a grievous outrage, in language calculated to inflame public feeling, by describing the act as a lawless, high-handed exercise of military power. This Petition is referred to a Select Committee. His counsel, in the proceedings at law for the same alleged injury, happening to be a member of the Assembly, is named of the Committee, and upon the *ex parte* statement of his client and other witnesses, not on oath, frames a Report in direct opposition to the verdict of one jury who have tried the point, and intended, as it must be supposed, to influence those verdicts which are yet to be rendered. This Report, when made, becomes a public document, and finds its way into the public papers; and thus, upon a question of boundary and legal right which has yet to be tried, the parties have to encounter whatever weight a prejudice so excited can throw into the scale.

I am well aware that in England no such case could occur, because a sense of justice would prevent it; but when civil or military officers under my government are summoned in the mere hope that they may know something which may turn to