

which took place after it, brought matters to such a crisis that, in order to avoid a collision, Mr. Thom retired from the bench till some time in 1850. For the space of about a year justice was administered by Major Caldwell, the Governor of Assiniboia. A very complicated case of great importance—Foss v. Pelly—having arisen, Mr. Thom again resumed his office for the purpose of the trial. The Government, however, disagreeing with Mr. Thom on his finding, probably because he would not find as the Governor wanted, managed either to secure his permanent removal or to force him to resign. He then, till 1854—about four years—acted as clerk of the court over which he had formerly presided, and with the same salary. In the beginning of September of that year, he left Red River with his wife and son and returned to Scotland, sailing from York Factory on the 18th of October by H. B. ship *Prince of Wales*.^{*} In 1856 he received the honorary degree of LL.D from his old University. His busy life did not prevent his retaining an interest in his former literary career, or from pursuing his studies, for in 1848 he published a work entitled "The Chronology of Prophecy." It will not be out of place to make a few extracts from contemporary writers and travellers in regard to him. Major J. Wesley Bond† who visited Red River, speaks of him as "a very leading man," who was "very active, energetic and possessed of considerable talent." Bishop Mountain‡ found him "an exceedingly able man, possessing a varied range of information, and deeply engaged, latterly, in biblical studies." Alex. Ross†† who considered the appointment of a Recorder rather in the light of a mistake, and was sometimes opposed to Mr. Thom, yet states that he was a "genius of talent and high attainment in his profession."§ The Rev. John Ryerson says that he was "a gentleman of learning and superior ability in the legal profession." Hargrave thus feelingly refers to him: "I cannot close this cursory glance at the official career of the pioneer of the law in the Red River Settlement without stating that at the close of his long and often unquiet sojourn of fifteen years in this singularly situated place, he left behind him the reputation of great ability, and of kindly hospitality in his private relations among those of his acquaintances best able to appreciate the former, and who had shared in the latter." Mr. Thom is principally known to the legal profession by his careful and elaborate judgment on the jurisdiction and powers of the Hudson Bay Company, delivered in the celebrated case of James Calder, on the 17th of August, 1848, contained in one of the old record books of the Quarterly Court. This judgment is of much value, and is entitled to more weighty consideration than it has so far received; doubtless the fact of its never having been printed is mainly responsible for this. Quite irrespective of the merits of Mr. Thom, an especial interest attaches to him because of his having been the first lawyer in Rupert's Land, and of the unique position he occupied. A halo of romance is thrown around his name, when we pause to

^{*}Hargrave's *Red River*, pp. 90. Ryerson's *Hudson Bay*, pp. 62, 106 et seq.

†*Minnesota and its Resources* V. appendix *Camp Fire Sketches*.

‡*Journal of the Bishop of Montreal*, pp. 82.

††*Red River Settlement*, pp. 224.

§*Hudson Bay*, pp. 63.

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