

charges which were still pending. He may impute, with truth, the same impropriety, to a certain extent, to the North-West company; and as to what is said respecting the issue of the trials lately terminated at York, I distinctly beg your Excellency will not infer from it, any impression on my mind respecting the truth of his Lordship's complaints against the North-West company, or that his Lordship and his agents have suffered no wrong; such an inference can by no means be justly drawn from the result of those prosecutions.

The few persons who were tried at York, were among those least implicated by the evidence his Lordship has put into my hands. It is much to be regretted, that the most conspicuous actors in the violences of which his Lordship complains, have never been placed within the jurisdiction of our Courts, an evil which his Lordship knows no suggestions or exertions of mine were wanting to remedy.

Conscious as I am of the different sentiments my conduct towards his Lordship and his agents, in all matters in which I have had occasion to communicate with them, ought to have excited in his Lordship's mind, I was surprised on reading the beginning of his letter, at the sort of attack he has made upon me; but the sequel of the communication fully explains to me its motives; his Lordship felt the obligation which his rank imposes; he felt that his hasty departure from Canada, while charges of no common kind were depending against him, with a resolution, which he seems to intimate, not to give his prosecutors again an opportunity which, by no fault of their own, they had lost, would give your Excellency no very favourable impression, and that it was necessary to account for the untimely desertion of prosecutions of which he was the author. It probably also occurred, that it might be prudent to prophecy the possibility of the result in which those prosecutions have terminated, and ascribe them to a want of exertion or talent, if nothing worse, in those who were to conduct them.

To answer these ends, it would doubtless appear good policy to his Lordship, to appear extremely indignant at those he had left behind him, and particularly those who might imagine they had some reason to express surprize at his Lordship's singular movements, to exclaim, that he was the injured party, and that if the ends of justice had hitherto not fully been attained, his was the disappointment and loss. His Lordship conceived it necessary to say something to your Excellency upon his departure, and chose to make it appear, that he had been principally impelled to address your Excellency by the injustice he had received, and not from any idea that he was called upon to exculpate.

To that end, when he was on the point of leaving the country, he complains to your Excellency of a denial of justice by your officers two months before, which he had had ample opportunity of communicating to your Excellency, at a time and a distance that would have given him an immediate prospect of receiving your Excellency's decision upon his reference, and your sentiments upon his complaint.

As to any private feeling that can be imputed to me, either on the one side or the other, in this unfortunate contest, I must inform your Excellency, that when I was in England two years ago, I was written to by an agent of the North-West company, to request that I would consider myself retained as one of their counsel in any civil proceedings which might grow out of their contest with the Earl of Selkirk; in criminal cases they knew I was, of course, always counsel for the prosecution.

Since my return to Canada, imagining that I perceived in the Earl of Selkirk a disposition which led him always to suspect, and to give no man credit for acting upon pure motives where he saw a possible temptation to dishonour, I wrote to the agent of the North-West company, to acquaint him, that though I had never been literally retained, yet, in consequence of their application to me in England, I had of course considered myself their counsel in civil matters, where they might have required my aid; that no such occasion for my professional services having yet occurred, I had of course received nothing at their hands, nor had any pecuniary claim whatever upon the company; that feeling the delicacy of my situation, I chose that no ground should exist, as far as I could prevent it, for illiberal remark, and that there should be no pretence for ascribing to the zeal of a private advocate, any steps which I might consider it my duty to take as a public prosecutor; that therefore while any criminal proceedings were depending between them and the Earl of Selkirk, I should not be the advocate either of the company or of his Lordship in any civil proceedings of the one party against the other, and that they were consequently to consider me no longer their counsel.