

After all I had heard and seen of the conduct of the disputes between the Earl of Selkirk and the North-West company, before my official duties made me in any manner connected with them, I was not so infatuated as to imagine that when my turn came, the most upright intentions, the most independent, and at the same time most cautious conduct, could exempt me entirely from the illiberal aspersions which I saw constantly cast upon all who had the misfortune to have any thing to do with this extraordinary contest. The Governor, the Judges, the Crown Officers of the sister province, and both His Majesty's Commissioners, had been so indiscriminately blamed, that to be distinguished from all others by an exception from his Lordship's censure, would naturally have led me to fear, that I must have sacrificed my integrity to a dread of offending, and purchased my peace by a dereliction of duty.

With these feelings I acted in whatever I have found it my duty to do in prosecutions, which unfortunately for the ends of justice have been too much the subject of public discussion, trusting that the generality of his Lordship's crimination would convince dispassionate men, that, in his opinion, law was only properly administered, when exerted in gratifying in their utmost extent vindictive feelings against his opponents, and would leave myself and other public officers little to apprehend from the newspaper calumnies which this contest has generated, or from any complaints, unfounded in fact, which his Lordship, to answer the purpose of the moment, might choose to embody in a representation to the head of the Government.

My duty as Crown officer was obvious; I had but to consider on this, as on all other occasions, what public justice demanded, without regard to the private ends or feelings which either party might have in the criminal prosecutions which I might find it proper to prefer to public investigation. Of that intention I am conscious, and whatever may have been its success, it is at least fortunate for myself and for others whom his Lordship has thought fit to accuse, that much of our duty is discharged in the face of the country.

Upon the first matter mentioned in his Lordship's letter, namely, my declining to prefer a criminal charge against the special commissioner, Mr. Fletcher, I will observe to your Excellency, that by the usage of the colonies, at least of the provinces of Canada, the conduct of all criminal prosecutions proper to be tried in the superior criminal courts is entrusted to the Crown officer, who, besides that the established charge against the revenue of the colony for each prosecution, though inconsiderable, is sufficient to produce in him a delicacy in incurring it where the charge appears frivolous, and a more proper remedy can be elsewhere obtained, as also a discretion which his situation as prosecuting immediately for the Crown, requires he should exercise, in not suffering himself to give the sanction of his name to a criminal prosecution, intended merely for the gratification of private resentment, and urged rather by party feelings than a regard for public justice.

Peculiar circumstances also, connected with a particular case, as in this instance the special appointment of Mr. Fletcher, may place the Attorney-General, who is not supposed to act without the sanction, much less against the wishes of his Government, in that situation, that he will conceive it his duty to await their directions, before he involves them in a responsibility, which his acts in some measure impose upon them.

Having made these remarks, I leave it to your Excellency, upon the perusal of my letter to Mr. Gale, of which a copy accompanies his Lordship's communication, to determine the propriety of my decision with respect to prosecuting Mr. Fletcher, upon the reasons which I there give.

With respect to his Lordship's next subject of complaint, my declining to prefer an indictment against Messrs. Vandersluys and Mr. Tavish for perjury, my letter to Mr. Allan, which I thought it proper to write, that my reasons might not be misunderstood or misrepresented, of which his Lordship has transmitted a copy, contains all I then thought and still think upon that subject. It will place the matter as it was, before your Excellency, and I will leave it there without comment, only remarking, that charges for similar perjuries, might with as great propriety, and in some instances with greater, be preferred against many of the witnesses brought forward by his Lordship, to support the different charges against the servants and agents of the North-West company, lately determined.

I have a number of affidavits in my possession, in which his Lordship's witnesses charge acts unequivocally in all the technical language of the law, to be larceny,