

Correspondence
respecting
Mr. Thompson.

creditor is able to obtain a writ of *saisie* before judgment. He must in the first place go to the said judge to take the oath required by law, in order to obtain the fiat for issuing such writ. He has then to come to the prothonotary's office, where he obtains his writ. He must then go back to the judge to get him to sign the writ; and he has then to return to New Carlisle to put it into the hands of the sheriff of the district; so that a creditor who has perhaps already come 10, 15 or 20 leagues, to get to his attorney at New Carlisle, has afterwards to make a journey of 20 miles more to obtain his writ. The attorneys also experience great difficulties with regard to the business they have to transact at the judge's chambers, as in the taxation of costs, the suing out of writs of execution, the appointment of tutors, the proving of marriages, baptisms and burials, probates of wills, and other business commonly done at chambers before the said judge; and this in consequence of the negligence of the said judge, who attends very rarely at chambers, and who, when he comes there, only remains a few minutes, and frequently comes before or after the hour he may have previously appointed.

George Mellis Douglass, Esq., again called in; and being Interrogated, answered :

ON or about the 19th December last, at the request of Henry O'Hara, esq., of Gaspé Basin, in the inferior district of Gaspé, I went to the residence of Amasa Bebee, esq., one of the prothonotaries of His Majesty's provincial court for the inferior district of Gaspé, and being there I asked the said prothonotary to let me have a copy of the record in the case of Henry O'Hara, plaintiff, against Pierre Duval *et al.* defendants, No. 713, in which cause the said Henry O'Hara had appealed to the Court of King's Bench for the district of Quebec, from the judgment rendered in the said cause in His Majesty's provincial court for the district of Gaspé. The said prothonotary informed me that he had given the copy of the said record to the Honourable John Gawler Thompson, judge of the inferior district of Gaspé, who had it in his possession. He wrote to the said judge to request him to give me the papers I asked for; the judge answered that they were in the possession of John Robinson Hamilton, esq., advocate, the attorney for the defendants in the cause above mentioned. The said judge himself told me the same thing. I went to the house of the said John Robinson Hamilton, esquire, who acknowledged that he had the said papers, but refused to let me have them, saying, 1st, that the said copy was incorrect; 2dly, that the appellant had not paid the prothonotary what the latter was entitled to for the cost of the said copy of the record. Not thinking these reasons sufficient, I withdrew and gave instructions to Martin Sheppard, esq., notary-public, to protest against the said prothonotaries for all cost and damages sustained or to be sustained by the plaintiff in the said cause by reason of the non-transmission of the copy of the record in the cause above mentioned to the court of King's Bench at Quebec in due time. I have just learned from Edouard Thibaudau, esq., advocate, that the papers in question are now in the post-office at Quebec, but I have no personal knowledge thereof. I know that the said judge occupies a house at Paspébiac, the said house being the property of Jacques Lamy. I have heard that he had a good bargain of it.

Tuesday, 19 January 1836.

Mr. Pierre Tivierge, of Quebec, Mariner, called in; and being Interrogated, answered :

FOR more than 10 years I have been master of a vessel, and I have been for the greater part of the time employed between the port of Quebec and the county of Gaspé. I know the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé. I have for the greater part of the time aforesaid been engaged in a barter trade in the county of Gaspé and along the coast thereof, and I have consequently frequently visited the principal localities in the county, and particularly those where the fishing is chiefly carried on. I am able to say that the common report is, that the said judge is addicted to the use of intoxicating liquors, in consequence of which the inhabitants of the said district have no confidence in the said court. They laugh and make a jest of it. I have been in the habit of going at different times into the court out of curiosity, and have myself witnessed the little respect which the inhabitants have for this tribunal. I have in this manner attended at the sittings of the said court at different times, both during the term at Percé and that at Douglass Town, from the year 1828 up to the term at Douglass Town last year. It is a fact that the inhabitants of the said county have no confidence whatever in the said court, because they say that the judge evinces partiality for John Robinson Hamilton, esq., one of the advocates practising in the said court, and nephew of the said judge. It appeared to me also at different times during the sittings of the court, that the said judge is partial towards his said nephew. From the year 1828 up to the last term at Douglass Town, as above mentioned, I have at different times remarked at the several terms of the said court, that there was something singular about the person of the said judge during the sittings of the court; but I cannot say exactly what was the cause of this. I can only say, that at the last term of the said court at Douglass Town, I saw the said judge drunk upon the bench while the court was sitting, one day during the said term; but I cannot remember precisely on which day. I think it was towards the end of the last term at Douglass Town.

How did you perceive the partiality of the judge in favour of his nephew; state the facts?—
In a cause where one Taylor was defendant, and one Basin plaintiff, it appeared to me,