

MINUTES OF EVIDENCE.

Thursday, 19 November 1835.—ELZEAR BEDARD, Esq., in the Chair.

Mr. *Nicholas Boucher*, Merchant, of Rivière Ouelle, in the county of Kamouraska, called in ; and being Interrogated, answered :

I RESIDED in Percé, in the county of Gaspé, in the inferior district of Gaspé, from the year 1826 to the fall of 1834. During part of this time I was a clerk in the employ of F. Buteau, esq., and for the last two years I have been in partnership with him. During all that time I knew the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the district of Gaspé. I was at Percé in the month of August 1827, and it is to my knowledge that the said honourable judge had then come to Percé to hold the court there according to law. The term at Percé is 10 days. The judge did not hold the court at Percé in the term of 1827 ; and it is a fact that no court was held at Percé at that time. I learnt that the judge, finding himself unwell, had returned to Paspébiac in the county of Bonaventure, and that he had taken his passage on board the schooner *La Reine*, of which Charles Poirrier was master. I was not present when the judge went on board the schooner *La Reine*, but several persons told me that the said honourable judge had left Percé in consequence of the immoderate use of intoxicating liquors. I do not know that the said judge was suffering under any sickness or indisposition ; but I had no opportunity of ascertaining the exact truth. Common report says that he is too much addicted to the use of intoxicating liquors. I cannot recollect whether F. Buteau, esq. had any actions at that time pending in court, or whether he was about to institute some ; but on referring to the books it will be easy for me to give the committee the information required of me. These books are in the possession of the House of Le Boutillier & Buteau. I am certain that there was some business before the court, and that there was some to be commenced. A great many persons in the inferior district of Gaspé complain of the manner in which justice is administered by the said judge, but I do not know whether their complaints are founded or not. I hear that the inhabitants complain of the judge being partial to his nephew, John Robinson Hamilton, esq., one of the advocates practising in the said provincial court. I was sued in the said provincial court in the month of August 1834. The party plaintiff was Ambroise Bourget, and I was defendant. I was condemned to pay the amount demanded and costs ; and I am under the impression that I failed in that case because the judge had not duly considered the nature of the action. The attorney who occupied for the plaintiff was John Robinson Hamilton, esq., advocate, and my attorney was Edouard Thibaudau, esq., advocate, who I trust will furnish the committee with information which I am not competent to give. It is my conviction that the said John Robinson Hamilton exercises an improper influence upon the mind of the judge. It is to my knowledge that the judge generally arrives on the evening previous to the opening of the circuit court, and that he leaves immediately after the business is closed on the last day. There may be some exceptions, but they are very few. This practice is very prejudicial to the interest of the inhabitants, inasmuch as the issuing of writs of execution is retarded, thereby occasioning delays and considerable expenses in putting them into execution. Besides, with respect to new causes, it has occurred that judgment has not been rendered until the following year, which would not have happened if the judge had arrived a few days before the opening of the court in each term. It is to my knowledge that the judge has a room in the court-house at Percé, which is set apart for his use, and which he usually occupies during business hours. It is in the same room that the said John Robinson Hamilton had his office, and received his clients during the term of the provincial court at Percé, in 1834 and 1835. Of this I have a personal knowledge.

Friday, 20 November 1835.

Henry Bisset Johnston, esq., a Justice of the Peace for the Inferior District of Gaspé, residing at Point St. Peter, in the county of Gaspé, called in ; and being Interrogated, answered :

I HAVE known the Honourable John Gawler Thompson, as judge of His Majesty's provincial court for the inferior district of Gaspé, since the year 1827 to the present day. I was at Douglass Town, one of the places where the said provincial court is held, in the month of August 1827. I was only one or two days there during the term of the said court. The court had a singular appearance. The judge was in a state of intoxication in the morning, in the middle of the day, and in the evening. I was present one day during the sitting of the court, that day the judge had not had time to shave himself, and it was evident that he was labouring under the effects of the previous evening's dissipation. I do not think that he was then in a fit condition to hear and to decide the causes brought before the court. I only remained about half an hour in court ; but I had seen the judge immediately before the opening of the court, and I saw him after it rose, and at both these times he was in a state of intoxication. I understood from general rumours that the judge rendered a great many judgments during the abovementioned term of the said court. I was informed, also, that there was no court held at Percé in August 1827. I was at Paspébiac in the same year, when the judge went on board a vessel for the purpose of going to Percé to hold the court,