

that no person whatsoever, could point out the locality of the said nine Lots.

That it appears in proof to your Committee that the Defendants in the seventeen Informations above mentioned were compelled to travel to Charlotte Town in the month of April, when the Roads were nearly impassable, to put in their answers thereto, although it was not till the month of June thereafter, that the Surveyor General was sent to Prince Town by Lieutenant Governor Smith, to ascertain whether the Lands stated in such Informations to have been trespassed on were situated as described; and it has since appeared, by a subsequent and more extensive actual survey, made under the same authority, that the said Lots are not situated as stated in support of the said prosecutions.

That it also appears to your Committee, that at the time of the commencement of the said prosecutions, four of the said nine Lots were held by Licences of Occupation, previously granted to different individuals, by the said Lieutenant Governor, the terms of which Licences required certain improvements to be made on these Lots, which could not have been made without removing the trees growing thereon, and which was the sole offence alleged against the said Defendants.

That it further appears to your Committee upon the most credible testimony, that there were no Pine Trees or other valuable Timber growing on any of the said Lots, except the kind of wood, commonly used as fuel; and that the value of the said Land, with the wood standing thereon, did not exceed the sum of three pounds per Lot, while the expences of the proceedings, if followed up to a decree at the same rate of costs which were charged on them, as far as they had been prosecuted, would have amounted on both sides, to nearly one thousand two hundred pounds; and your Committee has every reason to believe that Lieut. Governor Smith would have continued the course he had already begun with these cases, and have ordered the costs of the Crown to be paid out of the Treasury of this Island.

That these proceedings were commenced without the intervention of any responsible relator to whom the unfortunate Defendants might look for the expences to which they were thereby exposed and might become entitled, and for which, they have consequently received no return or remuneration, though the

proceedings have been long abandoned; there being, as declared by his Majesty's Attorney General on his return to the Island, in open Court of Chancery, no proof to warrant them, and if there was proof, that the value of the property, which was the object of the prosecution, was not worth one farthing to the Crown; notwithstanding which, it appears to your Committee, that those prosecutions cost the public one hundred and fifty pounds thirteen shillings and four pence, independent of the Solicitor and Attorney General's fees, and the expence of ninety-seven pounds and eleven shillings to the Defendants as per bill delivered, besides loss of time, great injuries, inconvenience, and a heavy burthen of travelling and other expences.

Your Committee has also examined various witnesses respecting certain proceedings in the Court of Chancery, in the case of Bowley and Cambridge, for the recovery of Rents in arrear on the estate of Greenwich, by the Receiver in that cause, and the evidence has disclosed to your Committee, a very remarkable series of oppression practised on these Tenants under the guise of equitable proceedings.

The Plaintiff's Solicitor Mr. Palmer, appears to be also the Solicitor of William Douglass the Receiver, in the suit above mentioned, and to have conducted the whole course of proceedings about to be noticed. The Tenants of Greenwich estate were several of them, in arrear of Rent in the year 1823, and in particular the following persons, James Robertson, John Patience, Robert Saunderson, Donald M'Aulay, and John McKenzie. Your Committee are informed that the course to be pursued by a Receiver, to recover arrears of Rent, is by distress, and in the name of the person in whom the legal title to the estate may be; but that instead of following this method, by which such arrears might have been recovered with little expence, Mr. Douglass the Receiver, under the advice of his Solicitor, made an application to his Excellency the late Chancellor, (founded on an affidavit that the persons above named were in arrear of Rent, that his Excellency would order attachments to issue against them, which motion was granted, and the attachments were issued accordingly; these men were all taken into custody, and four of them, Patience, Saunderson, Robertson, and McKenzie, were delivered over to the Sergeant at Arms; M'Aulay the other Tenant, was a very aged man, and in a state of great