

“ Mr. Boulton has received his principal and interest upon the bond and note. The fee of the land mortgaged is also in him, and there is no Court of Chancery to interfere. The land sold at Sheriff's sale under this judgment is, undoubtedly, most valuable, and it appears to have been sold before the Petitioner knew there was a judgment against him. Part of the land sold under the judgment is owned by the present Hon. Mr. Justice Sherwood, brother-in-law to Mr. Boulton. There is, however, no evidence to shew that Mr. Boulton was concerned in the sale or the purchases.

“ Your Committee have to remark that Mr. Boulton was conducting a cause for himself against his own client; and when they consider the nature of the debt, the great and multiplied irregularities by which the judgment and execution were obtained, the great value of the property sacrificed, and the expensive and fruitless endeavors of the Petitioner to obtain a reversal of the proceedings, they do not hesitate to recommend relief. Independent of the interest of one of the Judges, it appears that the Court of King's Bench, if they set the proceedings aside, could not afford adequate relief, and therefore Your Committee have reported a Bill enabling the Honorable Mr. Justice Willis to enquire into the matters alleged in the petition, and to do justice between all the persons interested. The Chief Justice\* is not included in the Bill, as it is publicly reported that he is about to visit England; and, under such circumstances, the object of the measure might be defeated, and the ends of public justice not be answered, if he were included. Mr. Boulton complains of Mr. Randall for having misrepresented the value and quantity of the land mortgaged to him; and the Committee have annexed the evidence and documents adduced in support of the charge.

“ All which is respectfully submitted.

(Signed,)

“ B. C. BEARDSLEY,  
Chairman.”

FOR EVIDENCE SEE APPENDIX (A.)

The Estate, in Bytown, which Capt. LeBreton endeavoured to obtain by purchase from Randall, and which he, and the late Judge Sherwood, obtained possession of through the secret movement of Boulton, when he turned upon his client, was described in an advertisement in the newspapers of Canada, in September, 1828, when, through the suspension of Mr. Justice Willis, the Executive Council, of that period, had been enabled to place Mr. Hagerman on the King's Bench as a temporary Judge, at Perth, and as the whole Court of King's Bench, in Randall's case, at Toronto. That it was of very great value, and ought not to have been sacrificed under a pretended law-suit and sale, to satisfy such a claim as Boulton's for £142. Capt. LeBreton's advertisement is good evidence: it was in these words:

“ TOWN OF SHERWOOD.”

“ In consequence of the decision of the Court held at Perth, on the 20th instant, proving the subscriber's indisputable title to that valuable tract of land in the Township of Nepean, formerly known by the name of the Richmond Landing (at present the Town of Sherwood,) and adjoining Bytown, reports prejudicial to the title of said land having been maliciously circulated by a personage of high rank and responsibility [meaning Lord Dalhousie,] have heretofore prevented the subscriber from disposing of said land. The situation is most beautiful and salubrious, being on the south side of the Chaudière Falls, with the Grand Union Bridge abutting on the centre of the front, and leading through the main street. It is replete with mill sites, and for commerce no situation on the River Ottawa can equal