

received any of the salary represented to have been paid to him, I can only say, that, after the departure Mr. Baby, then second clerk in the office, because the salary of fifty pounds he was receiving was not sufficient to maintain him, and was wholly inadequate to the duties of a second clerk, Mr. Brehaut spoke to me, one day, on the subject and expressed his intention to employ the said William Hands, who was then a Constable under the High Constable, alleging, to the best of my recollection, that as an efficient Clerk could not possibly be obtained for fifty pounds a year, he had the intention of employing the said Hands, who wrote a good hand, to fill the vacant office, and mentioned also, that he could be used as a messenger, having no such officer, which would be very useful. I told Mr. Brehaut, to the best of my memory, that, as it was a matter properly connected with his department as agreed between us, he might do as he pleased, and from that day I supposed that the said Hands had been engaged by Mr. Brehaut, for I saw him constantly about the office, and I also saw his name in the pay-lists returned every quarter to Government. As my department was separate and distinct from the office of the Peace, I cannot say particularly, at this distance of time, how Mr. Hands was employed, but I frequently employed him myself to do messages for me, and I would hardly have taken that liberty with him, if I had not supposed that I could fairly do so and that I had some control over him."

Fourthly. We have secondary evidence of Hands being a clerk in the office, derived from the fact that he filled the place left vacant by the resignation of Mr. Baby, and that his place was in turn filled by Mr. Auguste Delisle. It is also significant that Hands gives the reason why he was not permanently engaged as second clerk; namely, because he could not fill up the registers. This also explains why he did not do any work, a record of which remained in the office.

It is curious that the Commissioners should have looked upon all this as being "no evidence whatever." In order that I may not be accused of a similar oversight, I may add, that the only direct evidence of Hands not being employed as second clerk is his own statement; and that as I have already said, he pointedly contradicts on cross-examination, and it is also contradicted by the pay-lists signed by himself. Again, I further pretend that the contradictions of Hands' testimony render his evidence unworthy of credit. At first he denied having signed more than two pay-lists; it is proved that he signed *six*. He then excused himself by saying "two that I called pay-lists." They were printed forms and identical. He said first, that he never gave a receipt in full to Mr. Brehaut; when it was produced he admitted his signature, and excused himself by saying he did not know how it got there. His account of himself, too, was contradictory and evidently false. I therefore maintain that the reverse of the Commissioners' statement is the truth, and that they should have said that they "find no evidence whatever of his not having acted as such clerk."

3rd. This item accuses me of not having accounted for the fees of the Crown Office from the 10th September, 1850, up to the 1st April, 1856, and from that date for only a portion of the fees I received or ought to have received. This charge leaves me in perfect ignorance as to whether it is intended to affirm that I collected fees and kept them, or only that I ought to have collected fees and that I had neglected to do so. The judgment against me is therefore almost, if not quite, as vague as the original accusation. In common justice I should have been told, item by item, the particular fees which were not charged; but since that is too much to expect, I will tell you that

the evidence only establishes four instances in which Mr. Schiller neglected to enter fees received, in five years and a half, making in all an amount of only \$8. I may also add that Mr. Schiller has established, in a communication to the *Montreal Gazette*, that during the same period he had also forgotten to charge several items in his favor of much greater amount than \$8. On this head I defy comparison between Mr. Schiller and any officer in the Province, whose duty it may have been to collect, and account for, small sums of money, often taken in Court, or in the hurry and bustle of other and more important business; and I maintain that in making less than one omission of the kind a year, he has reduced error to the minimum of what is conceivable in beings not infallible. (V. p. 91.)

4th. The accusation that I charged a commission of ten per cent. on balances, to which I was not entitled, exhibits a lamentable ignorance of the most ordinary administrative acts, on the part of those who have assumed the responsibility of advising His Excellency in this matter. The *Fec Fund Act*, 13 and 14 Vic. cap. 37, sect. 3, enacts: "That, &c., all salaries, fees, emoluments and pecuniary profits whatsoever which are now, or may hereafter be attached to any office, shall form a special fund, &c." In obedience to this Statute, I charged to the credit of the fund exactly those fees which, before the Funding Act, I charged to my own credit; but the Commissioners pretend that I should not have charged such fees as were payable by the Crown. To this, I answer, that I had no choice, the Statute says, that all salaries, fees, emoluments and pecuniary profits which, at the time of the passing of the Act, were attached to the office, should form the special fund. The interpretation which I thus gave to the Statute, was the same it received from all the Receiver and Auditor Generals since 1851. I may, therefore, conclude, that my interpretation was not so faulty, nor my conduct so inexcusably fraudulent, as to merit my dismissal nearly ten years afterwards from another office.

5th. This item charges me with having certified Mr. Schiller's accounts as Superintendent of Crown witnesses, and you say it is impossible that I could "be ignorant of the manner in which Mr. Schiller did for a period of twenty years practice such an imposition on the Government." It is certainly impossible that I could be ignorant of the manner Mr. Schiller charged his accounts for mileage; but I deny that he practised any imposition on the Government. On the contrary, so far back as 1849, the whole question was fully ventilated. A complaint of the way in which mileage was charged by Mr. Schiller having been made, the Deputy Inspector General addressed a circular letter to the then Solicitor General, Mr. Drummond, to Mr. Driscoll, Q. C., and to me, asking about this very practice, and I answered in the following words on the 30th July, 1849:—"The representations that Mr. Schiller charges more than he gets the service performed for seems highly unjust and might with equal propriety be made against every public officer in the Province. To those who are familiar with the nature of his duties, it will be evident, that as he must be in personal attendance upon the Court and, upon the officer prosecuting for the Crown, both before and after the Court, he can devote very little of his time to the service of subpoenas in person, and it would be hardly fair to expect that he would pay to Bailiffs and Constables all he received and have nothing left for his responsibility and labor. He is, in that respect, very much in the situation of all