The Lower Canada Law Journal.

Vol. II. SEPTEMBER, 1866. No. 3.

THE JUDGE OF THE OTTAWA DISTRICT.

We had barely time in our last impression to allude to certain charges of a grave character urged against Mr. Justice LAFONTAINE in the House of Assembly by Mr. WRIGHT, the member for Ottawa County. Since that time we have received what appears to be a revised version of Mr. WRIGHT's speech printed in the Ottawa Citizen of August 1st, and also a copy of the petition, published in the same paper of August 10th. We confess that the charges contained in these papers are so serious that it is with some hesitation we reproduce them, unaccompanied by a word of explanation from the judge attacked. This hesitation, however, is diminished by observing that the Petition bears date more than two years back, and does not appear to have called forth any reply from the judge during all that time.

The matter came before the House on the 25th of July, when Mr. WRIGHT moved: "That the entry in the Journals of this House, on Friday, the 17th March, 1865, relative to the Petition of Mr. Aylen and others, of the District of Ottawa, praying for an investigation into the conduct and acts of the hon. Aimé Lafontaine, Judge of the Superior Court in and for the said District, be now read."

Mr. WRIGHT said: "When it becomes necessary to arraign before the High Court of Parliament one who from the very nature of his office, should be above suspicion, I cannot but ask, in the performance of a most painful duty, for the indulgence of this House. It is within the knowledge of the House that a number of petitions have been presented to it, praying for an investigation of the official conduct of Mr. Justice Lafontaine, and preferring charges of the most serious character against him. These petitions have been signed by a large majority of the gentlemen practising at the Bar of the District, who stake their personal and professional reputations on being able to prove the truth of their allegations. They have been signed by a number of

respectable and influential gentlemen residing in the County which I have the honor to represent, and, as they state, with a full knowledge of the facts. The charges contained in these petitions are clear, precise, and unequivocal, and it is due, both to Mr. Justice Lafontaine and to the petitioners, that these charges should receive the most careful examination. If they can be substantiated, then is Mr. Justice Lafontaine unworthy to sit any longer on the Judicial Bench. If, on the contrary, they can be proved to be false and calumnious, then on the heads of the petitioners must lie the infamy.

"It is alleged that Mr. Justice Lafontaine, before his elevation to the bench, and while acting in the capacity of Agent for the sale of Crown Lands, embezzled large sums of the public money, and that in consequence many persons have incurred serious losses, and all confidence in his integrity, and in his administration of justice has been destroyed. may be said that this House cannot take cognizance of offences committed before his elevation to the bench. But it should be remembered, that if the statements of the petitioners can be substantiated, the evil which he did as Crown Lands Agent lives after him as Judge, not only in the serious losses incurred by individuals, but in destroying public confidence in the administration of justice, in trailing the honor of the Judiciary in the dust, and in teaching men to despise and hate those things which they should most reverence and honor. It may be necessary to explain this more fully to the House. Mr. Justice Lafontaine officiated for many years as Agent for the sale of Crown Lands, before his elevation to his present distinguished position as Judge of the Superior Court of Lower Canada. He had almost perfect and entire control of the sale of Crown Lands in Hull, Eardley, Wakefield and many other Townships. Practically his theory as to the best mode of managing the Crown Lands, was, that when sales were made the Agent should pocket the amount. I hold in my hand a statement signed by A. Russell, Esq., of the Crown Lands Department, which proves this to be the case. In almost any other country, a different result would have followed from the practical working out