

Correspondence
respecting
Mr. Thompson.

Gaspé. From the year 1828, until the summer of 1832, I heard, as the common report, that the said judge was addicted to the immoderate use of intoxicating liquors. I do not, however, remember to have seen him during the said period in a state of intoxication. But in the summer of the year 1832, during the time of the holding of the court at Carleton, in the month of July, I saw the said Honourable John Gawler Thompson intoxicated several times, both while the court was sitting and when it was not. On one day he was even unable to go to the court-house, and opened the court in his room, in the house of Hilari Michaud, where I was myself residing. It is to my knowledge that there were several suits then before the court, and I was myself attorney in some of them. A part of these suits could not be determined (to the great detriment of the parties interested), on account of the intemperance of the said judge. The intemperate conduct of the said judge during this time was so great, that a great many of the inhabitants of the place perceived it. Some of them were afflicted about it, but the greater number turned the judge into ridicule. I think that conduct of this kind was calculated to create distrust, and to bring contempt on the administration of justice. From the year 1832, until I left Gaspé for Quebec, last autumn, I have frequently had occasion to meet the said Honourable John Gawler Thompson during the holding of the courts in the inferior district of Gaspé, and in the vacations, and without being able to say that I ever saw him drunk. I have often seen him under the influence of intoxicating liquors, and in such a state as to make me doubt whether he was fit to decide on the matters which I had to submit to him. This consideration has frequently made me put off till another day business which the judge could have determined at the moment, if I had thought it prudent to submit it to him in the state in which I saw him. I speak of business to be transacted both in court and at chambers. I have seen him a great many times almost unfit to sign his name, in consequence of his intemperance. I may add, that the common report from the year 1832, until my said departure from Gaspé, has been that the said judge is addicted to the use of intoxicating liquors. The dangers and inconveniences which I have pointed out as resulting from the conduct of the said Honourable John Gawler Thompson are not the only ones to which the inhabitants of the inferior district of Gaspé are exposed by his conduct. It is to my knowledge that the said judge is in the habit of proceeding to the several places where the court is held in the district of Gaspé, so as to arrive there only on the evening before the opening of such courts, and of going away again immediately after the last sitting of the court, much to the prejudice of the interests of the inhabitants of the several localities in which the courts are held, both with regard to the issuing of writs of *saisie arrêt* before judgment, and of writs of execution after judgment: an inconvenience which would be avoided if the said judge would proceed to these several places a few days before, and only leave them a few days after the holding of the said courts. It is to my knowledge that the said judge has absented himself several times for the purpose of coming to Quebec in the spring, just before the holding of the court at Carleton, whereby great damage has sometimes been occasioned to persons who had occasion to sue out writs of *saisie* before judgment. I can cite, among others, the case of Hilari Michaud *against* William Dunbar. I was employed by Hilari Michaud to take out a writ of *arrêt simple* against the goods and chattels of the said William Dunbar. I was then at Carleton. I went for the said purpose to New Carlisle, a distance of about seven leagues, to obtain the signature of the judge, and the writ of *saisie arrêt* from the office of the provincial court, but was unable to obtain the same because the judge was absent from the inferior district of Gaspé. Under these circumstances, the parties entered into an arrangement, and the writ was not subsequently taken out. As the object was to seize a brigantine which was on the point of sailing, the said William Dunbar might in the interval have withdrawn it from the reach of the said Hilari Michaud, who would in that case have sustained ruinous damages. With regard to the inconvenience which may arise from the precipitous departure of the judge after the circuit courts, I shall relate the following fact:—Robert Ferguson, esq., of the province of New Brunswick, employed me, in 1828, during the circuit at New Carlisle, to sue out of the provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel M'Kay and James M'Kay, and a writ of *saisie arrêt en mains tierces* against property in the hands of Andrew Deans and Hugh Aitken, merchants in partnership at Risigouche, in the district of Gaspé, to the amount, as far as I can recollect, of 600*l.* or 700*l.*; the action being returnable into the court of King's Bench at Quebec. I applied to the said judge on the last day of the term at Carleton, after the last sitting, for the purpose of getting the plaintiff sworn, and obtaining the fiat of the judge, who was then on the eve of his departure. The said judge told me that he was not authorized to give an order of this kind. I begged him to stop an instant, and that I would convince him that he had power to do so. I went to fetch the statute which gives power to the provincial judge of the district of Gaspé to issue such writs for any sum whatever above 100*l.* currency, returnable before the Court of King's Bench for the district of Quebec. When I returned, I found the judge on the beach, on the point of embarking for New Carlisle. He persisted in the opinion he had formed, and the plaintiff could not obtain the writ he wished for. I was informed by the plaintiff some time afterwards that he had obtained the writs, but had not been able to overtake his debtors, and had thus lost the amount of his debt. Great inconvenience also arises to the dispatch of business, from the judge's residing at Paspebiac, a distance of about five miles from the town of New Carlisle, where the court-house and the prothonotary's office are. In cases of *arrêt simple* or of *capias ad respondendum*, the debtors have time to conceal their effects, or to withdraw into the province of New Brunswick, by crossing the bay, before the creditor can obtain the fiat of the judge. It is only by overcoming many difficulties that a

creditor