

" In the concluding paragraph to the Report of 1828, we find the following passage :—

" *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 inquire into the matter alleged in the petition, and to do justice between all the persons interested.*"

" Eight years have elapsed since the bill mentioned in the above extract was reported—the veto of another branch of the Legislature continued to withhold redress from the complainant, until the grave closed on his importunities.

" For the relief of his heirs this Committee do now report a similar bill to those passed in 1828 and 1830, and its Members unite in the expression of a wish that a judicial inquiry will no longer be deferred, but that justice will be speedily done between all the persons concerned.

" DAVID THORBURN, Chairman.

" Committee Room, House of Assembly,
"30th March, 1836."

FOR EVIDENCE SEE APPENDIX (B.)

Mr. Thorburn, for the Committee, then introduced a (fourth) bill for the relief of Randall's heirs, which passed through a Committee of the Whole, 28 Ayes to 10 Noes ; and at its third reading unanimously. This bill was similar to the three bills preceding it, except that it appointed Hon. R. A. Tucker ; who had been Chief Justice of Newfoundland, and was afterward a member of Sir George Arthur's Executive Council, (a gentleman of strong conservative opinions) as the Chancellor, to do justice in the cause.

The Legislative Council, as then constituted, sought not to amend the bill—they threw it out—would give no relief, and offered no reasons for their refusal. The Assembly placed the Report and evidence as a record on their Journals, of which they occupy 31 folio pages. Next year (1837) came the political difficulties, the result of which exiled many Members of the Legislatures of the Canadas, and prevented this Petitioner from taking further steps in fulfilment of the trust reposed in him. Colonel Thomas Horner, M. P. P. for Oxford, the other acting Executor, died, of cholera, a few months after Mr. Randall's decease.

Not till 1828, did Mr. Justice Sherwood and Capt. Le Breton, the purchasers of Randall's invaluable Bytown Estate, attempt the ejection of his tenants, Messrs. Firth and Berry. The course of ejectment then taken is described by the House of Assembly, in their Address to the Crown, as being of a piece with the other judicial acts in Randall's case. "*It is from such proceedings, such Courts, and such Judges (they say), that the people desire to be relieved.*"

In 1828, Judges Sir W. Campbell, Willis and Sherwood, constituted the Court of King's Bench ; Campbell got leave to go to London to seek a pension, leaving no casting voice in appeals in banc ; Judge Willis considered the Court incomplete, and Messrs. P. Robinson, Dr. Strachan, and Macaulay, the Executive Council,