

No. 3.

The charges, your Lordship will perceive, are, that the judge has been guilty of a neglect of duty and malversation in the exercise of his judicial functions, of violating the enactments of the provincial statutes relating to the jurisdiction and constitution of his court, and of frequently sitting there in such a state of intoxication as to prevent the proper discharge of his official duties. The Assembly presented an address to me, founded on these reports and resolutions, praying that I would provisionally suspend Mr. Thompson during the inquiry on Mr. Deblois' petition, which they express their intention to continue, and until his final removal should be awarded by the proper authorities.

As Mr. Thompson was not present during the investigation by the House into his conduct, I replied to their address, as I had done in other similar cases, that I could come to no decision until I had heard what the accused had to say in his defence. Mr. Thompson has recently transmitted to me his answer to the charges preferred against him, supported by numerous affidavits and other documents, quite at variance with those charges.

I do not think it necessary to enter at length into the conflicting statements of this case, upon which I find myself unable to give any decision, but must refer your Lordship to the accompanying papers. I will merely observe, that so much of the charge of intemperance as relates to the period antecedent to the month of May 1828, appears to have been disposed of by the then Governor in Chief, the Earl of Dalhousie, who, in November 1827, caused it to be intimated to Mr. Thompson that, in consequence of certain reports then in circulation respecting his private demeanor and conduct, which tended to bring disrepute upon his public station, his Lordship being satisfied, on inquiry, of their truth, had come to the determination to remove him from the Bench if he did not avail himself, within a specified time, of the option afforded him of giving in his resignation. On this occasion Mr. Thompson proceeded to Quebec, fortified with addresses and other testimonials in his favour from the principal inhabitants of Gaspé, including one from his present accuser, Mr. Deblois, dated the 27th April 1828, forming part of the document marked (B.), amongst the accompanying papers. The judge seems to have cleared up the imputations against his character to the satisfaction of the Earl of Dalhousie, as I find that his Lordship, in a communication dated the 22d of May 1828, admitted, through his civil secretary, that the reports and statements which had given rise to his previous decision must have been founded in an erroneous view of Mr. Thompson's conduct, and requested him to resume his duties as judge of the district of Gaspé, which he did accordingly.

I have only to add, that, on a careful review of the evidence laid before me on both sides in this case, I have thought it best to reserve the whole matter for the decision of a more competent tribunal; and I have therefore informed Mr. Thompson of my determination to transmit all the documents to England, and that while they were under His Majesty's consideration, I did not deem it advisable to disturb him in the exercise of his judicial functions.

I have, &c.
(signed) Gosford.

Enclosure, No. 1, to Despatch from the Earl of Gosford, dated 6 December 1836.

SIXTH REPORT of the STANDING COMMITTEE of GRIEVANCES.

THE Standing Committee of Grievances, to whom was referred the petition of Joseph François Deblois, esq., advocate, and one of the members of your honourable House, charging the Honourable John Gawler Thompson, Judge of His Majesty's Provincial Court of the Inferior District of Gaspé, with high crimes and misdemeanors, have agreed to make the following report, being the first on the subject of the said petition:

Your committee, after having heard divers witnesses in support of the said petition, and examined the evidence furnished by the papers and documents in the possession of your committee, are of opinion that the inquiry ought to be continued with all diligence, either in the present or in the next session. Their apprehension that the whole cannot be brought to a close during the present session has induced your committee to report their proceedings up to this date to your honourable House, and respectfully to suggest that the evidence and documents they submit should be printed for the use of the members of your honourable House, it being the intention of your committee to make a more circumstantial report, and to proceed further in the matter during the present session, if it be possible.

The whole, nevertheless, humbly submitted.

11 February 1836.

E. Bedard, Chairman.