

between himself as Attorney-General, and the Governor, who must, as he rightly observed, be allowed to consult his professional adviser, without the danger of having the conversation made public. Mr. Frith had the candour to state, that he believed the Governor had acted on his advice, but he had no knowledge of his having given any one else a copy of the pamphlet, and believed he had not done so. But, he added, evidently to the surprise of Sir Vicary Gibbs, who seemed not a little dissatisfied with his want of proper feeling, that he did not look upon what passed as confidential, for that nothing was said to him about secrecy.

Judge Thorpe, then also in England, was examined also as a witness; and I have not forgotten the astonishment I felt when I heard the answers given by him to some questions put to him in respect to occurrences in Upper Canada in 1806 and 7. His affected ignorance of almost everything that had taken place there, and his declaration that it was impossible he could have had anything to do with such matters, because he was at that time a judge in Upper Canada, evidently awakened recollections in the chief justice's mind. Sir Vicary Gibbs had been Attorney-General at that period, and it was quite clear that he knew more of the judge's history and proceedings than Mr. Gore's counsel did. With the recollection that was evidently fresh in his mind, he said to the witness, "You have told us that you were a judge in Upper Canada; are you still in that office, and here on leave?" "No, my lord," said Mr. Thorpe, "I was suspended." "Oh, you were suspended. Pray, may I ask, how did that occur?" "I was suspended, my lord, *in order to be promoted.*" "I