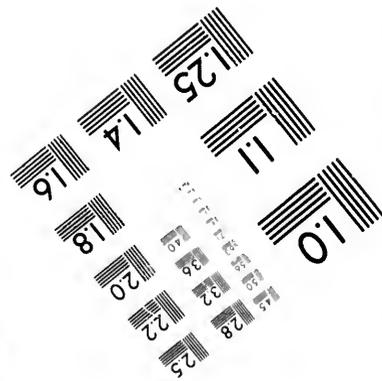
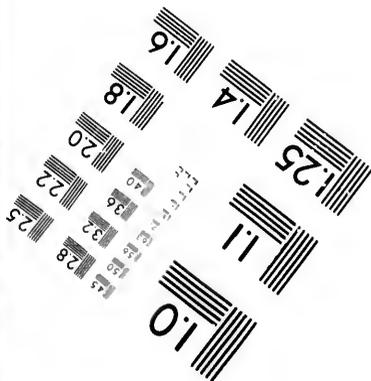
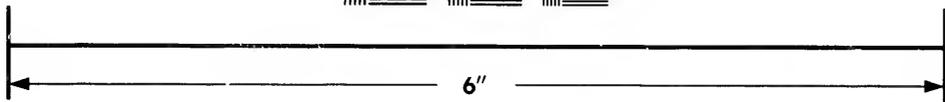
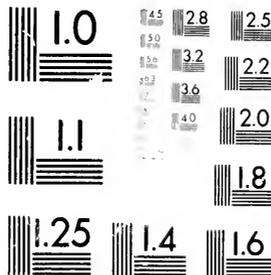


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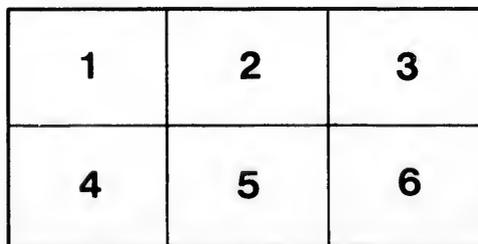
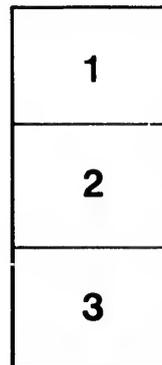
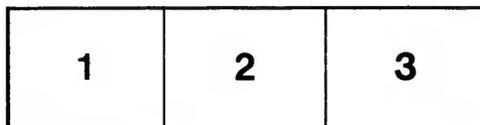
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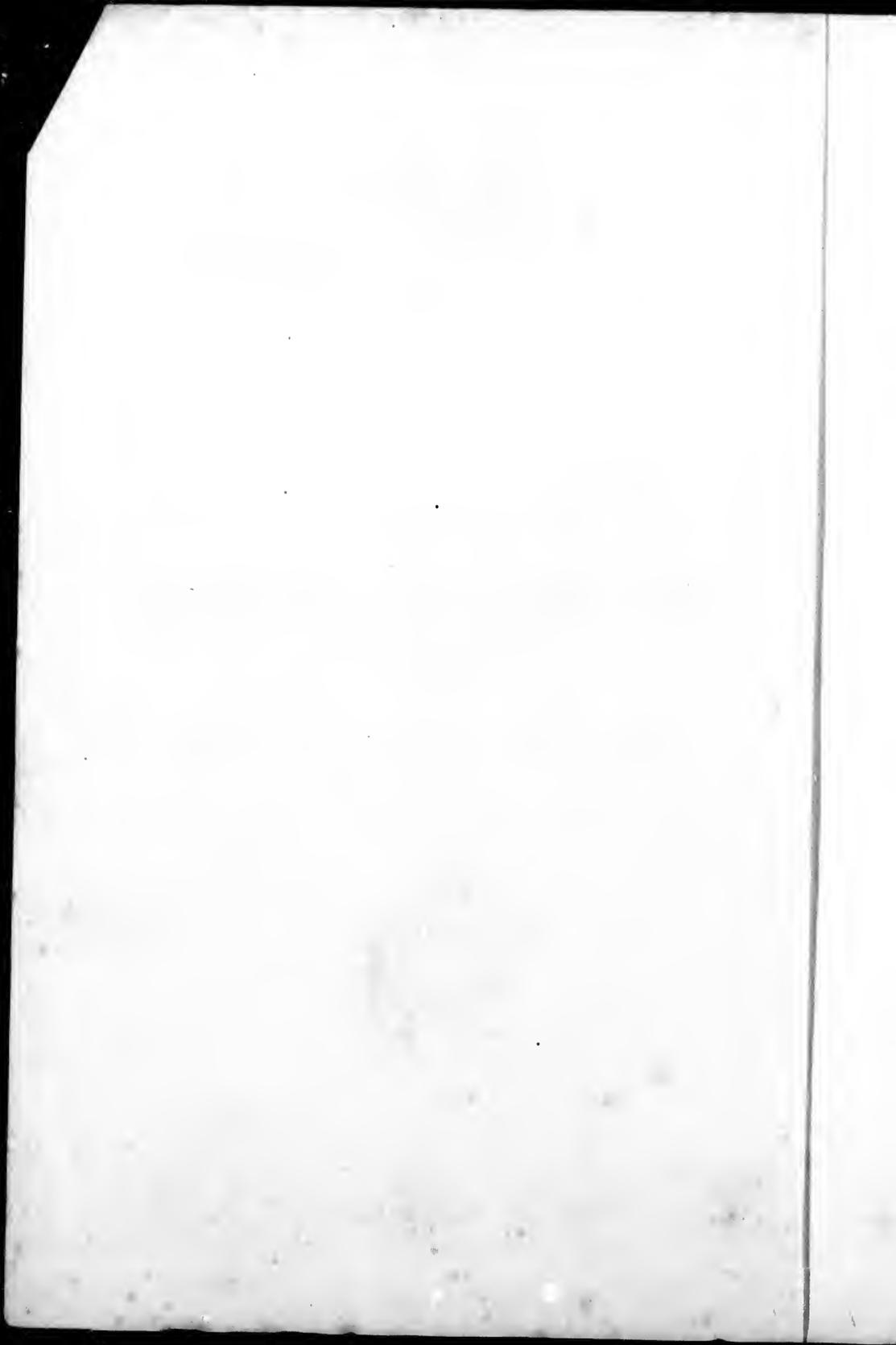
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See Montreal Herald of T.
yesterday 23 January

STATEMENT OF THE CASE

—OF—

H. M. JARVIS.



As there is no longer any doubt as to the determination of the Honourable the Postmaster-General *not* to allow me any opportunity to testify before a proper tribunal in my own behalf as to my innocence of the charges brought against me by Mr. Griffin, and feeling that I have exhausted every argument to induce him to do so, I have no other alternative but to publish the whole correspondence, and leave the world to judge for themselves as to the merits of the case. As the charge upon which I was arrested and tried was the strongest (of the several,) which the prosecution laid against me, I herewith produce only the evidence as taken before the Police Magistrate in that *one*; the evidence in the others was of a still weaker nature, and many are inclined to think that none of the evidence was sufficient to warrant a committal; but, as Mr. Griffin remarked, (see page 3,) the Police Magistrate would do anything he wished him to do.

I call particular attention to Mr. Murphy's evidence, (see page vi,) and Mr. Osborne's evidence, (see page vi). Both these gentlemen swore that the money enclosed in the letter was composed of a \$2 bill and postage stamps, while at the trial in April, a third clerk in Messrs. Cronyn & Greenless' office, (name I do not recollect,) swore that it was *he* who copied the letter and put the money in, which comprised two \$1 bills and postage stamps. Mr. Frederick Matthews' evidence is also worthy of particular attention, (see page ix,) who said that *any one might have tampered with or taken a letter from that box without being seen.*

The evidence taken before the Police Magistrate went to prove an expenditure by me between 6th October and 31st December of \$138.55.

The Hon. the Postmaster-General in his letter to Judge Gwynne (page 10) and dated 17th May, 1879, gives *three* reasons for having arrived at an unsatisfactory conclusion, unfavourable to my case, and as far as I know, has never given any other. These reasons, which after all, are nothing more than mere assertions of Mr. Griffin's, which I defy him to prove on oath, are:

1st, "London had been remarkably exempt from any losses of the kind for a number of years, but they became numerous shortly after Mr. Jarvis joined the office there, and *ceased altogether* (*italics are mine*) after he left it."

In answer to the above see Mr. Walker's affidavit, (page 7) and Mr. Cox's evidence (see page ix).

2nd, "He on several occasions made excuses for getting back into the office in the evening when he would be alone in it."

In reply to this, see my affidavit (page 12).

3rd, "His cash expenditure in London was ascertained to be considerably more than his income from the Post Office or any other known source."

In answer to this, I annex the certified copies of two cheques given to me a day before I left for London, the proceeds of which I took with me, they amounted to \$110.00, to this add balance due on October pay, \$17.80, and November and December pay, \$115.60, amounting in all to \$248.40, against a *proved* expenditure of \$188.55. This disposes of reason No. 8.

[I may here add that the *originals* of these cheques were in Court by permission of the Auditor-General, and ready to be produced as evidence at my trial, had the judge allowed any defence to be gone into.]

I have reason to believe that when my petition to his Excoellency the Governor-General was sent by His Excoellency to the Secretary of State for consideration and report, and was transferred in due course by that Minister to the Postmaster-General, that the Post Office Inspector Mr. Dewe, was called upon for a report, and that such report *was made, and forwarded to the Postmaster-General*, but as far as I can understand that report has never gone beyond the Post Office Department. One naturally asks why?

In taking this course of laying before the public a full, accurate, and true account of the case, I do so in the hope that, having been denied a full official enquiry, I may have an opportunity of having the whole question fully discussed through the Press or otherwise.

In conclusion, I may add that an evident ill feeling existed among the clerks in the London Post Office at my appointment to fill the vacancy occasioned by the retirement of Mr. Phipps.

The following (one of several) articles which appeared in the local papers proves this.

(Daily Free Press, London, 10th Oct. 1878.)

“ A position in the London P. O., having become vacant by the retirement of Mr. Phipps, his place has been filled by an employé from Ottawa. Were there no London boys whom the Grit dispensers of patronage might have recommended?” To the above may be added the *decoy letters*.

By reference to the date of G. Murray Jarvis' letter to Sir Alexander Campbell (pages 11 and 13,) and to the date of Sir Alexander Campbell's letter to Judge Gwynne, (page 14,) it will be seen that the Postmaster-General had arrived at an unfavourable conclusion *before he received any explanation of the three charges upon which his opinion was based*.

H. M. JARVIS.

Ottawa, 13th January, 1880.

v.

(Copy.)

POST OFFICE DEPARTMENT.

\$70.00.

No. 16,601 J.

OTTAWA, 3rd OCTOBER, 1878.

To the Manager of the Bank of Montreal.

Pay Mr. H. M. Jarvis, or order, the sum of Seventy Dollars,
being in payment for Removal Allowance from Ottawa to London, Ont.

(Signed)

W. H. GRIFFIN,

D. Postmaster-General.

(Signed) H. A. WICKSTEED,

Accountant.

(Copy.)

POST OFFICE DEPARTMENT.

\$40.00.

No. 16,602 J.

OTTAWA, 3rd OCTOBER, 1878.

To the Manager of the Bank of Montreal.

Pay Mr. H. M. Jarvis, or order, the sum of Forty Dollars,
being in payment for Account of Salary, month of October, 1878.

(Signed)

W. H. GRIFFIN,

D. Postmaster-General.

(Signed) H. A. WICKSTEED,

Accountant.

Certified true copies,

J. L. McDOUGALL,

Auditor-General.

AUDITOR-GENERAL'S OFFICE,

24th October, 1879.

[From the London Advertiser, 14th January, 1879.]

THE POST OFFICE CASE

Mr. H. M. JURVIS was charged at the Police Court yesterday, upon the information of Mr. Griffin, Inspector of Post Offices, for that he did on 23rd of December, 1878, feloniously open and abstract from a letter in the Post Office at London, the sum of \$2.90.

Mr. E. MEREDITH, appeared for the prosecution; Mr. W. Rock, Q.C., for defence.

After the usual preliminaries, the prisoner pleaded not guilty, and the following evidence was taken:

JAMES MURPHY, sworn: Was clerk in the office of Messrs. Cronyn & Greenless; on the Monday before Christmas I put the sum of \$2.90 in an envelope, addressed to the Registrar of the County of Elgin, a \$2 bill, three scrips and fifteen cents in postage stamps; there was a letter in the envelope; I closed up the envelope and sealed it, and handed it to another clerk in our office; the letter produced is the same.

Cross-Examined by Mr. Rock: I have been in the office of Cronyn & Greenless about two years, previously I had been in a Law Office in Ireland; I came here in October, 1876; I serve Cronyn & Greenless as a copying clerk and book-keeper; I keep the petty cash, and am in the habit of mailing money; I remember the 23rd December; I don't remember mailing money to any one else or paying any money on that day; I could tell if I referred to my book; I keep a cash box and a cash book; I took the money about five o'clock in the evening and put it in the letter; I know it was a \$2 bill, but cannot tell what bank it was on; I did not put any wax or mucilage on the envelope, I merely put it to my lips and sealed it down; after the letter went out of my hands I did not see it until the next day, when it was brought over to our office.

Mr. JOHN B. OSBORNE corroborated the last witness. He put the postage stamps on it, and afterwards took it to the Post Office; next morning it was brought back to the office by Mr. Ward, registered letter clerk in the Post Office; it had been opened; it is customary to leave the registered letter book at the Post Office, and it is placed in the box the next morning; I am positive that when I delivered the letter to Mr. Ward it was in the same state I received it from Mr. Murphy.

Cross-Examined.—I mail nearly all the letters; it depends upon who is going to the Post Office to take the registered letters; I know it was a \$2 bill that was put in, but I can't say what bank it was on; I can't say whether I copied it or not; it was copied by some one; there were several other letters, but no other registered ones amongst them; after I had copied the letters I immediately went to the Post Office; I handed this letter to the registered letter clerk; it was in the book.

Mr. JOHN WARD: The registered letter clerk said he had been in the Post Office for upwards of six years; he was on duty at the registry

wicket on the day in question, and in the course of his duties he received the letter produced, which he entered in the registered letter book, and threw into a tin box kept for that purpose ; on that evening the defendant was on duty, and it was his duty to take the letters from the box, and take them into the inner office and enter them into another book, make out the letter bills, cancel the stamps, and put the date upon them ; the letter has been cancelled and stamped ; Mr. Jarvis must have taken the letter from that box ; no one else could have taken it that afternoon ; I received the letter shortly after six o'clock in the evening ; about 15 or 20 minutes after I had put the letter in the box, I heard some one in the inner office pass the remark that there was a letter in the back office open, and without any money in it ; Mr. Lawless, Jun., and Mr. Mathews, Jun., were at work in the same department with me that evening ; neither of those gentlemen could have removed the letter from the box without my observing them.

Cross-Examined.—Witness described the department in which the letters are received ; there is only one door leading into the back office ; here persons occasionally come into the office from the back office ; there is a door leading from the back office into the street ; there is a forwarding office, behind that is the back office ; there are three rooms communicating with my department ; I alone have to attend to the delivery of registered letters ; there are only four persons employed in the office in which I was ; there are altogether six other persons who occasionally have business in the front office ; their duties in the front office are confined to clearing the drops ; Mr. Mathews, Sen., Mr. Ross, and the defendant were employed in the back office on that evening ; so far as I remember there was no one else came into the delivery office on that afternoon except those who were on duty ; I can safely say there was no one else came in ; I was engaged only a few minutes after that letter was handed in to me in delivering letters ; I would not undertake to say whether the letter was opened or not when I received them Re-direct. I never see the backs of any letters, and couldn't say whether any of the letters I received that evening were open or not.

Mr. RICHARD MATHEWS, sworn : I am employed in the forwarding office of the Post Office, and have been so employed for over twelve years ; I was on duty on the evening of 23rd December, Mr. Ross, the defendant, and Mr. Hunter, were with me in the office that evening, the defendant was engaged upon the registered letters that evening ; corroborate previous witness as to defendant's duties. Mr. Ross would be opening mails from Corresponding Offices, and the defendant would also be receiving letters from him ; when he received the letters he would take them to his table, sort them, and put them in a cupboard in the different pigeon holes ; the table was placed against a window ; I was sitting about eight feet from where the defendant was sitting with my face turned towards his back, looking towards his table ; whilst the defendant was entering the letters I saw him take something off the table ; his hands were turning about in the centre of his person, and then he moved his hand to his right hand pants pocket ; he had what appeared to be a bank bill, or bills in his hand which he placed in his pocket ; almost immediately he called out to me. "Here's a registered letter opened," I said, "I think the Postmaster is in the office, take it to him immediately," thinking at the

time it was a letter from a Corresponding Office ; he took it in and I could hear the voices talking ; he then came back and said there was no money in it ; he showed me the letter ; upon that I called to Mr. Ross and said did you see a letter opened ? Defendant then said, " oh ! I did not get it from Mr. Ross, I got it from the front," meaning the box before mentioned. Thinking the matter suspicious, I went over to Mr. Jarvis and said, " let me look at that letter," he held it in his hand for me to look at, and I said to him, " this letter was sealed and looks as if it was opened." Prisoner made an interrogative " humph." The envelope now produced bears undoubted marks of having been sealed and afterwards opened. I then went into Mr. Ward and told him a letter Mr. Jarvis got from him was open.

Cross-Examined.—There has within the last month no one left the Office so far as I am aware ; as near as I can recollect it was about ten or fifteen minutes after six o'clock, when I was sitting at my table ; I was engaged stamping letters : I had about 200 letters before me ; they were ordinary letters, at that time I had to receive the registered letters from Mr. Jarvis, as he made up each mail ; Jarvis was sitting at his table before his book ; I don't know when he went into the front office to get the registered letters ; I did not see what was in front of defendant ; I did not see any letters before him ; I could not see what he did with his hands, neither could I see what he was doing, or whether he had any letters before him ; I was at work all the time I was sitting ; I was not watching Jarvis ; when he told me there was a registered letter open, I cannot say whether I was sitting or standing ; Mr. Ross was in the office at the time ; Jarvis was sitting down ; I cannot say whether he had put his hands in his pockets before I saw him put the bill in his pockets ; I did not see a pocket book in his hands ; I cannot say at all where what he put in his pocket came from ; I happened at that particular moment to look at him ; he did not hesitate to go into the Postmaster's Office, or to let me see the letter ; Jarvis at once gave the letter to Ward when asked for it.

The Court then adjourned till afternoon at 2:30.

The Court re-assembled at 2:30. The first witness examined was :

MR. L. LAWLESS, who said : I am the Postmaster of London ; early in November prisoner borrowed \$20 from me ; he said he wanted it to send to his wife as she was ill ; at the end of that month he repaid it ; his salary was \$58.70 a month, which should be drawn every month ; at the latter end of the month it was due, or the beginning of the next ; there was \$40 deducted off his cheque at Ottawa, for money he owed that office, and \$8 he sent to Mr. Wicksteed, of Ottawa, upon an I. O. U. which he held from the prisoner ; he borrowed the \$20 after he got the October cheque ; I recollect the defendant bringing the letter produced into my office ; he said he found it open and asked me to examine it ; I examined it and found no money in it ; I presumed he hadn't examined it ; I directed him to keep it till the morning in order that he might attend to it.

MR. J. DAWSON, Assistant Postmaster, proved payment of defendant's salary at the rate of \$60 a month,—subject to a deduction \$1.20 for Superannuation, &c.

Mr. Rock brought notice of the fact that Detective Phair had taken all the defendant's private letters, &c., and was then sitting before the defendant and examining into and reviewing all of them, whether from wife, sister or father, which must be very painful to the defendant; he had no objection for His Worship or the learned Counsel for the prosecution to examine them, but he must object to the Detective looking into them.

Mr. MEREDITH said he intended to prove that he had been sending more money to his wife than possibly could have been paid out of his salary; he must give the evidence some way or another, and he thought the Detective would be the proper person to give it. This matter was arranged by all the letters being handed over to Chief of Police Williams, and the defendant's father who was present, and who went through all, and retained such as were of a private nature. Mr. Henry Dalton—testified to getting the sum of \$2.00, from Mr. Dawson for defendant on account of salary: Lawless Jr., being engaged in the same department with Mr. Ward, on the evening in question, no one but Jarvis could have taken the registered letters from the tin box without witness observing them.

Cross-Examined.—I had nothing to do with the registered letters.

FREDERICK MATHEWS said: He was engaged in the delivery department on the evening in question from 4.30, to 7 p. m., during the time he was there he was not aware of any one besides Jarvis taking letters from the tin box. Any one might have tampered with or taken a letter from that box without being seen, but witness did not see any one take any letters.

Mr. JOHN COX,—Assistant P. O. Inspector handed in a statement of moneys lost and abstracted from registered letters passing through the London Post Office during the times when Jarvis was on duty.

Cross-Examined.—I have been in the position I now occupy for about three years, there are in a general way, three or four letters lost every month; I have never heard of registered letters having been posted without being closed. I don't mean to say whether or not all the money stated to be lost in this account were lost in the London Post Office, these were all that passed through that office.

A number of livery-men, gentlemen outfitters, tailors, hotel-keepers, and others were next called to prove what money had been expended by the prisoner from October to December, they proved payments to the amount of nearly \$100.

Further evidence was taken showing that defendant had expended \$80 making in all about \$180.

DETECTIVE PHAIR was the next witness—and he testified to having received a warrant for the apprehension of defendant, which he executed on 31st Dec., and found \$5, a knife, and some papers on him; he also found in his pocket a letter from his wife acknowledging the receipt of \$80; defendant asked him what he was arrested for, and when he told

him he said he was innocent ; also searched his lodgings and took possession of his trunk and its contents, but had not examined his letters only his receipts.

Cross-Examined.—In addition to the \$5 he found a \$4 and \$1 bill, found no silver in his possession ; also found a tobacco pouch, but did not recollect finding a pipe ; his attention was first called to this matter on the 30th, but didn't know of information having been given to the police before it was given to him, so far as he knew ; they sent for him to the Post Office, and he told the Chief of Police ; this was on Monday, 30th, defendant was arrested on 31st ; the following day he went to the house where he boarded, and searched everything he could find ; turned the bed over, but did not search the tea pot ; know Mrs. Howie, but do not remember telling her that a clerk had left the Post Office the Saturday before.

MR. MEREDITH stated that information had been laid against defendant in two other cases, one for stealing \$57.00 from a letter in London Post Office, on 24th December ; the other of \$30.00, on 25th December, but he could not be prepared to go on with them under eight days, as the witnesses lived at a distance.

Prisoner having no voluntary statement to make, was then committed to take his trial at the next Court of Assize.

Bail was refused.

Letter from Herbert M. Jarvis to Hon. Alex. Campbell.

OTTAWA, 6th MAY, 1879.

SIR,—I have the honor to transmit herewith a statement of facts, together with certain papers in connection with my arrest, imprisonment, trial and acquittal in London, Ontario, on the charges lately brought against me by the Post Office Authorities, and trust that you will give them your earnest consideration; also that you will be pleased to order a searching enquiry to be made with the view of discovering if possible the guilty party or parties, for I feel that until such a discovery is made I shall never be entirely freed from the stain cast upon my character. I am aware that there are persons who in spite of the verdict of Judge and Jury are persistent in expressing their conviction of my guilt. I beg that the Judge who presided at my trial, and the Crown Prosecutor who conducted the case for the Crown may be applied to for their private opinion. I have been four months without my pay, my wife and children without any other support than that offered by their friends, in addition to this, four days after I was acquitted I find an Order-in-Council removing me from my office, and thus depriving me of all means of support.

I leave the matter now in your hands, believing as I do that full justice will be awarded.

I have the honor to be,

&c., &c., &c.,

H. M. JARVIS.

THE HON. ALEXANDER CAMPBELL,
Acting Postmaster General.

Statement of Facts.

In October, 1878, I was promoted from the Post Office Department in Ottawa, to the Outside Service, and was sent to London. On 23rd December following, a letter passed through my hands in the office, which was registered but was unsealed. I immediately reported the circumstance to the Postmaster, Mr. Lawless, who, upon examination, found that there was no money enclosed in it; to my knowledge, no investigation was made into the matter until 31st of same month, when I was arrested upon the charge of having abstracted the supposed contents of said letter, viz. :—\$2.95. I was handcuffed and placed in the felon's cell in Jail. On 6th January, my brother from Ottawa, (A. L. Jarvis,) called to see me. On the same day, he brought me a letter to sign, which he informed me was dictated by the Post Office Inspector, Mr. Griffin, the purport of which was a confession of my guilt, with the view of staying all further proceedings, and giving me my liberty. (See paper marked C.)

This I refused positively to sign. On 18th January, I was taken from the cells through the street handcuffed, and the first examination commenced. The evidence as then taken I herewith enclose. During the months of January and February, I was repeatedly taken before the Police Magistrate on fresh charges, and on each occasion handcuffed. On 17th January, through my father's interference, I was removed from the felon's cell to the debtor's prison. I was confined in Jail from 31st Dec., 1878, to 22nd April, 1879, when I was brought up for trial before Judge Galt. I was taken into Court handcuffed, when the Judge ordered the Sheriff to have the handcuffs removed. The evidence taken at my trial, I also herewith transmit.

My health has suffered very much from the confinement, and insufficient diet.

H. M. JARVIS.

C.

Declaration of A. L. Jarvis, of Ottawa.

The first intimation I had of my brother's (H. M. Jarvis) arrest in London, was from a notice to that effect published in the Toronto "Globe" of 1st January, 1879.

I left Ottawa by the 10 o'clock train on the night of the 2nd January for London, but was so delayed by heavy snow storms, that I did not reach London till about 9 o'clock on the night of 4th January, it being too late then to take any steps in the matter. I waited till the following morning (Sunday), 5th January; at 10-30 a. m., I called upon Mr. Lawless, the London Postmaster, whom I saw for a few moments, but nothing of importance transpired; he merely expressed regret at what had occurred, and referred me to Mr. Griffin, the Post Office Inspector, who lived but a short distance from Mr. Lawless' house. I at once called upon Mr. Griffin and found that gentleman engaged in writing, he received me very cordially and at once entered upon the subject of my brother's arrest; the exact words used during this conversation I am unable to state, but, all through, his aim was evidently to impress me with the idea that there was not the slightest doubt of my brother's guilt, and he went into a somewhat lengthy explanation of his reasons for so thinking, all which has been proved erroneous by the result of the trial on 23rd April last. I then asked Mr. Griffin whether I would be allowed to see my brother in the Jail (it being Sunday). Mr. Griffin said he did not think there would be any objection to my being allowed to do so, and directed me to the Jail. I then left, with the understanding that I was to see him (Mr. Griffin) again the following morning at his office; I walked up to the Jail but was told that no visitors were admitted on Sundays. On learning this, I wrote on the back of a visiting card that I would call the first thing on the following morning, this I sent in to my brother. On the following morning about 10 o'clock, I went up to the Jail and saw my brother, who in answer to my question as to how he managed to get himself into such a difficulty, said he knew nothing about it, was per-

fectly innocent, and considered the matter a put up affair. I heard from him that he had engaged Messrs. Warren, Rock & McBeth as his Counsel, and he directed me to their office, where I went and saw Mr. Rock and talked the matter over with him; I then went to Mr. Griffin's office and saw him. He enquired whether I had seen my brother and the result of my interview. When I told him that he declared he was innocent, he said, that was absurd, or words to that effect, and said he would shew me how it could be proved that it must be in the London Office that the money had been stolen, drawing a diagram of the country shewing the different Post Offices radiating from London, and stating that if the money had not been taken by a clerk in the London office, it would necessitate there being a thief in each of the other offices around the country, and shewn on his diagram as branch offices in the London district. I asked Mr. Griffin if there was any way of settling the matter at once, when he made me an offer to let my brother off altogether if he would confess that he was guilty, and by so doing remove all suspicion from his brother officers; the confession was to be in writing, which, after he had read, he said he would tear up and burn before me. I sat down at a table in Mr. Griffin's office and wrote a short note addressed to the Postmaster-General, as if it were my brother who was writing, stating that I was guilty, but wished to remove all suspicion from my brother officers, and prayed that he would deal leniently with me. *This letter was written at the suggestion of Mr. Griffin, who read and approved of it, at the same time remarking that there was to be no humbugging about the signature, meaning that the signature must be the genuine signature of my brother.* This letter I took to my brother, whom I saw alone in a private room of the jailer's; this privilege was granted me in consequence of Mr. Griffin having sent Detective Phair with me, and who spoke a few words to the jailer when I was shewn into a private room where I was almost immediately joined by my brother. I then made Mr. Griffin's proposition to him, and shewed him the letter I had written for him to sign, and asked him if he would sign it, his answer was that he would not *sign any such paper, if he did it would be a lie*; he then talked about his wife and family, and said he must do something for their support. I said to him, by signing this note you can leave with me to-night, and get over the border where you will be able to do more in the way of earning something than you can by being shut up here, but he positively refused to sign, and I tore it up, returned to Mr. Griffin's Office, and told him the result; he remarked if he (my brother) was going to try that game, he would bring every charge against him one after the other. I then asked Mr. Griffin whether in the event of my brother having signed the before mentioned document the Police Magistrate would have allowed him his liberty. Mr. Griffin's answer was that *"the Police Magistrate would do anything he wished him to do."* Mr. Griffin and I then took a hack and drove out to Mr. Becher's, but found that he was not at home. We started to drive back to town when we met Mr. Becher, and he drove back with us to his office. During this drive the proposition above referred to as having been made by Mr. Griffin was brought up, when Mr. Becher said he never heard of such a proposition, and that he could not permit Mr. Griffin to make such an offer, telling him (Griffin) that he would get himself into trouble by doing so, but if the Postmaster-General would sanction such a proceeding all well and good. Mr. Becher then advised my return to Ottawa at once for the purpose of seeking an interview with the Postmaster-

General, and to ascertain from him what could be done in the matter. I left London that evening (Monday, 6th January), and arrived at Ottawa on Tuesday evening. On Wednesday, 8th January, I endeavoured to see Sir John Macdonald, Colonel Dennis having kindly asked him to give me an interview. Sir John regretted what had occurred, but said the matter was out of his department and therefore he could not interfere. I then went accompanied by Colonel Dennis to see Mr. Langevin, the Postmaster-General, but found that he was not in his office. We had an interview with Mr. W. H. Griffin, the Deputy Postmaster-General, who informed us that there was no doubt in his mind as to my brother's guilt, and that he thought it would be of very little use our seeing the Postmaster-General, or words to that effect.

A. L. JARVIS.

[The foregoing, marked C, was attested to by A. L. Jarvis before A. Keefer, a Commissioner, in Q. B.]

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 26th April, 1879.

On the recommendation of the Hon. Mr. Campbell, acting in the absence of the Postmaster-General, and under the provisions of the Civil Service Act of 1868, the Committee advise that Lawrence Lawless, Junior, be appointed a Clerk of the Fourth Class, Outside Service, vice Jarvis, removed.

Certified,

W. A. HIMSWORTH,

C. P. C.

Letter from G. Murray Jarvis to Sir Alexander Campbell, K.C.M.G.

FINANCE DEPARTMENT, 24th MAY, 1879.

SIR,—On the 6th May, my son, Herbert M. Jarvis, addressed a letter to you as acting Postmaster-General, on the subject of his late arrest, trial, and acquittal at London. His letter was accompanied by other documents bearing upon his case. As no official recognition of these papers has been received, I beg to enclose herewith a note dated 9th May, from Judge Gwynne, marked A, together with other papers which I trust you will consider when making an investigation, as announced in enclosure A. After reading Judge Gwynne's letter, it appeared to me that you purposed calling upon Judge Galt, as he was the presiding Judge at my son's trial, for a report of the case; consequently, after waiting a reasonable time, I wrote to the Judge, and asked for the purport of his report to you in case he had made one. I annex his answer dated 22nd May, marked B. After the receipt of Judge Gwynne's letter, I made enquiries into two matters which I thought, and still think, materially effect the case in question.

1st.—As regards the character of the person who, by Order-in-Council of 26th April, was appointed to fill the vacancy in the London

Post Office, occasioned by my son's *removal* (by same order), and who (in connection with another in the same office,) I have from the very commencement of this trouble had good reasons to suspect was at the bottom of what I have little doubt will, sooner or later, be proved a conspiracy.

2nd.—As regards similar irregularities in the London Post Office after my son's arrest, and during his incarceration. The result of these enquiries will be found in enclosures, marked C., D. and E. In enclosure B., reference is made to L. Lawless having served in the North-West Mounted Police. I believe, if enquiry is made at the Department of the Interior, it will be found that during his period of service his reputation was of a doubtful character; that he was of intemperate habits; disobedient to orders, for which he was fined; and, on one occasion, was even arrested as an accomplice in a case of larceny, in addition that he was discharged from the force without any grant of land, (a circumstance which is not customary in cases of good character,) there can be no doubt that my son's present position is a sad one. He has for four months, on suspicion only, been deprived not alone of his liberty and means of support, but to a certain extent of his reputation, the *two latter* of which can *now* only be regained by the acts of the Government, and I consider it no more than my duty, when endeavoring to vindicate and re-establish my son's good name, that I should indignantly protest against what I consider a most flagrant act of injustice and unchristian feeling on behalf of three gentlemen, holding high positions in the Post Office Department at Ottawa, who I understand on reliable authority, continue to express to their friends their belief in my son's guilt, and this in the face of his acquittal, and the expressed opinion of the Judge to the Jury, that "*there was no evidence at all against the prisoner,*" while at the same time they could not possibly know anything about the matter, except from *hearsay*, and that from *interested* persons in London.

Trusting that you will take this matter into your earnest and early consideration, I subscribe myself in behalf of his wife and children,

Your obedient Servant,

G. MURRAY JARVIS.

Letter from G. Murray Jarvis to Sir Alexander Campbell.

OTTAWA, 26th MAY, 1879.

DEAR SIR,—With reference to my son's case which was brought under your notice, and into which I understand it is your intention to make an enquiry, I must bring under your notice his utter destitution; with a wife and two children depending upon him. As he was arrested on 31st December, was never suspended, and only removed from office by Order-in-Council on 26th April, I am advised that his salary for that time is legally due to him. If you can see it in this light it will be no

more than an act of humanity if you will order the amount to be paid to him, and thus enable him to live till such time as the decision of the Government is arrived at with regard to his future.

Yours truly,

G. MURRAY JARVIS.

Letter from Judge Gwynne to G. Murray Jarvis.

MAY 9th, 1879.

I have seen Mr. Campbell twice and have also written to him, and he has promised to investigate the matter himself and to apply to the Judge for a report as you desire. I have also requested him in case he should in the course of his investigation form an unfavorable impression, to give you an opportunity to produce any additional evidence you may desire, to remove such impression.

(Signed)

JOHN W. GWYNNE.

G. MURRAY JARVIS, Esq.

Letter from Judge Galt to G. Murray Jarvis.

TORONTO, 22nd MAY, 1879.

I regret very much that until I am applied to by the Government or by the Postmaster-General, I cannot make any report on your son's case, as a Judge never writes to the Government until he is directed to report on any case tried before him. I have much pleasure however in telling you that when I am requested to do so, I shall inform the Postmaster-General that there was *no* evidence against your son. I shall say that, admitting money had been abstracted, there was no reason why blame should be attributed to him more than to any other gentleman employed in the Post Office.

Sincerely yours,

(Signed)

THOMAS GALT.

G. MURRAY JARVIS, Esq.

Letter from Rev. Canon Innes to G. Murray Jarvis.

THE RECTORY, LONDON, ONTARIO, MAY 15th, 1879.

I am not personally acquainted with the family of Mr. Lawless, and so can only speak from report concerning the character of the young man you refer to. I understand that he bears a very bad name, and has as you say been on several occasions before the Police Magistrate on

various charges, and spent some time in prison. I remember that he was one of the evidences against your son. Should your suspicions prove correct as to conspiracy, I most sincerely trust that you will be able to delve to the bottom of it and expose the true delinquent. I hear that young Lawless has for some time past reformed and is now generally considered steady, he has but lately been appointed to the Post Office Department. Should I be able to gather any further information, will write you again.

(Signed)

GEO. M. INNES.

G. MURRAY JARVIS, ESQ.

Letter from James Walker to G. Murray Jarvis.

LONDON, ONTARIO, 15th MAY, 1879.

Enclosed I send as desired my declaration respecting the loss of a money letter which I sent through the Post Office in January last. I don't know whether it can be of any material service to your son, but it will at least go to show that irregularities occurred at a time when by no possibility he could have been an accessory to them. I may add that I attended the court during your son's trial and paid particular attention to the evidence given in the case, and was greatly astonished that any Grand Jury should on such testimony find a Bill against your son, as there was not a particle of evidence to show that the loss of the letters was attributable to him. There were some half-a-dozen or more clerks in the same Department, who had access to the registered letters, and if the evidence adduced by the Crown Officer should be allowed to weigh in the slightest degree against your son, it touched all the others in the same manner, therefore it does seem to me that your son has been harshly and unjustly treated, and made the scapegoat to cover the sins of some one else, and I trust the Government will see that no further injury is done him by depriving him of his position in the Civil Service as threatened.

(Signed)

JAMES A. WALKER.

G. MURRAY JARVIS, ESQ.

ONTARIO,
COUNTY OF MIDDLESEX, }
TO WIT:

I, James Archibald Walker, of the City of London, in the County of Middlesex, Gentleman, do solemnly declare, that on the eighth day of January last past, I enclosed a sum of money in a letter which I addressed to my wife, residing in the City of London, and addressed the letter to the London Post Office. That I posted the letter. That my wife never received the said money. That I called upon the Post Office Inspector, Mr. Griffin, to make enquiries about the missing money. That when I went into Mr. Griffin's office another gentleman was conversing with him, apparently upon similar business, and when I made my complaint of the letter being lost, Mr. Griffin remarked: "What! another; this is really too bad; this is becoming almost an every-day occurrence;" or words to that effect. And I make

this solemn declaration conscientiously believing the same to be true, and by virtue of an Act passed in the thirty-seventh year of Her Majesty's reign, intituled "An Act for the suppression of voluntary and extra judicial oaths."

(Signed)

JAMES A. WALKER.

Taken and declared before me, at the City of London, in the County of Middlesex, this 14th day of May, 1879.

(Signed)

S. H. GRAYDON,

A Commissioner, &c.

ONTARIO,
COUNTY OF CARLETON, }
TO WIT:

I, Francis Hunter, of the City of Ottawa, in the County of Carleton, Gentleman, do solemnly declare, that I am, and have been for many years well acquainted with James Archibald Walker, of the City of London, in the County of Middlesex, whose signature is attached to the annexed declaration, and I believe him to be a thoroughly reliable man, and one whose word may be safely relied upon; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act passed in the thirty-seventh year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra judicial oaths."

(Signed)

FRANCIS HUNTER.

Taken and declared before me at the City of Ottawa, in the County of Carleton, this twenty-third day of May, 1879.

(Signed)

A. KEEFER,

A Commissioner, &c.

[Copy.]

CHIEF CONSTABLE'S OFFICE, LONDON, ONTARIO, MAY 21st, 1879.

To A. P. SHERWOOD, Esq.,

Chief Police, Ottawa.

DEAR SIR,—Am in receipt of yours of 17th, and find on enquiry that L. Lawless was about 12 years ago arrested and sent for trial on a charge of larceny, but was acquitted, the prosecutor not appearing. He was also several times prior to 1875 arrested for drunkenness, and was sent to jail on one or two occasions, but since that time he bears a good character. I believe he served in the N. W. Mtd. Police from '74 or '75 to '77, when he was taken into the Post Office. He has the reputation of being fond of drink, but otherwise his reputation his good.

Yours &c., &c.,

W. T. WILLIAMS.

Letter from G. Murray Jarvis to Judge Gwynne.

OTTAWA, 26th MAY, 1879.

Having waited as I considered a reasonable time after the receipt of your letter of 9th inst., I wrote to Judge Galt and asked him if he would let me know the purport of his reply to the Postmaster-General in case he had been called upon by him for a report in my son's case. I enclose a copy of Judge Galt's answer. I understand Mr. Campbell is in Toronto, but I cannot discover his address. May I ask you to read the accompanying two communications addressed to him, one an official and the other rather of a private nature; and if you do not object to your name and note being used as it is, you will oblige me very much if you will address them, so that there will be no doubt of his receiving them *without being sent to Ottawa*; and if you can assist us in any way I can only say we shall be grateful. I think that at least, till an investigation is made, my son's pay from 1st January to 26th April, date of Order-in-Council removing him, should be paid. He and his family are perfectly destitute, and I am completely cleared out by all the expenses incurred in his behalf. If you can influence Mr. Campbell to order this payment, or a portion of it for the present, it will be a great boon. Please let me hear from you, also your opinion as to the evidence I enclose of Mr. Lawless' character.

Yours, &c., &c.,

G. MURRAY JARVIS.

Letter from Sir Alex. Campbell to G. Murray Jarvis.

TORONTO, ONTARIO, 31st MAY, 1879.

I beg to apologise to you for not having acknowledged the receipt of your letters, with their several enclosures, in regard to your son, and I am personally to blame for it, and not the officers of the Post Office Department, since both of your letters were placed on my table and opened by me. The truth was, Judge Gwynne came to see me about the same time that I received your letters, and, after looking into the case against your son, I wrote to him, and having done so I omitted to do so to you, thinking that as you had asked him to see me, he would tell you that he had had a reply from me, however, I ought to have written to you, and I am sorry that I did not; I wish I could have found anything in the papers sent to me which would have relieved your son from the suspicion under which he is placed. *I admit at once that the case as offered to the Judge presented no evidence against him*, but the general facts which fastened suspicion upon him remain, and I do not see how it will be possible for me to re-employ him in the Department. I need not give you or myself the pain of recapitulating these facts; I mentioned them in my letter to Judge Gwynne. I only notice that in the papers sent me, one of them seems rather controverted by the affidavit of Mr. Walker. I have directed upon this an enquiry to be made, and will again take the enquiry up when I go to Ottawa, and I shall only be too glad to find that something may yet be found which may relieve your son from the doubt which has been thrown upon his

integrity. In the meantime I think it is but fair even if it be not his legal right, and I rather think it is, that his salary should be paid up to the time, not of his arrest, but of his discharge from the service, and I have accordingly directed that this shall be done. I regret deeply that I am not able to go beyond this, so far as I am at present informed.

Yours, &c., &c.,

(Signed)

A. CAMPBELL.

Letter from G. Murray Jarvis to Judge Gwynne.

OTTAWA, 3rd JUNE, 1879.

I received the enclosed from Mr. Campbell yesterday, and we are much pleased with the tone. He evidently thought that you had made me acquainted with the contents of his letter to you. I feel satisfied that if I am told what the evidence is they profess to have that prevents the suspicion being removed, I can easily explain satisfactorily. I therefore beg, as Mr. Campbell has promised to re-open the investigation, that you will let me see his letter to you, or tell me the purport of it.

Be good enough to return me the enclosed.

Yours &c.,

G. MURRAY JARVIS.

HON. MR. JUSTICE GWYNNE, Ottawa.

Letter from Hon. Alexander Campbell to Judge Gwynne.

OTTAWA, 17th MAY, 1879.

I have examined the papers which you caused to be sent to me, connected with the accusation brought against Mr. H. M. Jarvis, for extracting money from letters in the London Post Office.

There is not, as you stated to me, any evidence inculcating Mr. Jarvis in the thefts which took place in that office. There seems, however, to be some salient circumstances established which, although not legal evidence, point to Mr. Jarvis as the guilty person.

1. London had been remarkably exempt from any losses of the kind for a number of years, but they became numerous shortly after Mr. Jarvis joined the office there, and ceased altogether after he left it.

2. He, on several occasions, made excuses for getting back into the office in the evening, when he would be alone in it.

3. His cash expenditure in London was ascertained to be considerably more than his income from the Post Office or any other known source.

Under all these circumstances, whilst acknowledging that no legal evidence was submitted to the Jury, and giving full weight to the opinion of Mr. Justice Galt and to the action taken by him in discharging Jarvis at once, I am unable in my own mind to conclude that he is innocent, and could not take him back into the service. I am very sorry for his family, and would most willingly have taken a more favorable view. I shall be obliged if you will take occasion to express to Mrs. Jarvis, his grandmother, and to Miss Jarvis, his aunt, my great sorrow that I am unable to arrive at a different conclusion than the one I have mentioned.

Yours, &c., &c.,

(Signed)

A. CAMPBELL.

Letter from G. Murray Jarvis to Sir Alex. Campbell.

FINANCE DEPT., OTTAWA, 4th JUNE, 1879.

I have the honor to acknowledge the receipt of your letter of 31st ulto., and to thank you very much for it. I would have done so before had I not waited till this morning to hear from Judge Gwynne, who upon reading your letter to me, handed me yours of 17th May, and it was only on receipt of that letter that I was made aware of the grounds upon which your impression had been formed regarding my son's implication in these London Post Office troubles.

You give three distinct reasons for having come to an unsatisfactory conclusion in the matter.

1. "That London had been remarkably exempt from any losses of the kind for a number of years, but they became numerous shortly after Mr. Jarvis joined the office, and ceased altogether after he left it."

2. "He on several occasions made excuses for getting back into the office in the evening when he would be alone."

3. "His cash expenditure in London was ascertained to be considerably more than his income from the Post Office or any other known source."

Now, Sir, with your permission I will endeavour satisfactorily to remove from your mind this impression.

No. 1 I think is of very questionable correctness—*vide*—Mr. Walker's declaration in your possession; supposing, however, the facts to be as stated, there are circumstances (which I will acquaint you with) which go far to convince me, as well as many others, that the plot against him was one cunningly laid, and I regret to say successfully carried out in one respect.

No. 2 I can only answer by handing you the accompanying declaration, which I conscientiously believe to be true in every respect; this, however, can be proved by calling upon those who laid the charge to prove the same on oath.

No. 3 can be easily proved to be erroneous by reference to the official cheque book in the Post Office Department, and to the cheques Nos. 16601 and 16602, dated 3rd Oct., 1878, for \$70 and \$40 respectively, now in the Auditor-General's Office. A full explanation of this last charge necessitates a reference to matters of so private a nature that I prefer to give them in a private letter instead of an official one, as I intend this to be, but which explanation may be used officially if it is found necessary to do so.

Referring again to No. 1. From the moment my son reported himself for duty in the London Post Office, a feeling of jealousy was manifest among the clerks, and this was carried to such an extent that articles appeared in the local papers, censuring the Government for appointing a man from Ottawa to fill a local vacancy when there were those in the office who should have been selected for the position. These articles I have seen and read, and no doubt they can be found by applying to the newspaper files.

Then, again, the clerk who was the principal witness against my son, and who swore in Court that he would have been benefitted had my son not been put into the office—*also* swore that he had been in the habit of sending decoy letters to try and trap him—*but in no case had he been successful*. Then came this trumped up \$2.95 affair, which my son was the first to report, and for which ten days after he was arrested.

A moment's consideration will, I think, convince any one that charge No. 2 is one which, if true, was one of the greatest importance, and yet it was never once alluded to or hinted at during all the several examinations which took place before the Police Magistrate or in Court. I can only add in conclusion, that no one was more disappointed than I was when Judge Galt refused to hear the evidence the Crown Counsel wished to bring in—for I had all my witnesses present, as well as the cheques alluded to, to prove his innocence in every instance; and further, I will state that if I thought that he was in the slightest degree implicated in these irregularities, I would be the last man to hold out a helping hand to save him from the most severe punishment.

I have the honor, &c., &c.,

G. MURRAY JARVIS.

THE HON. SIR ALEX. CAMPBELL, K.C.M.G.,
Postmaster-General.

ONTARIO,
COUNTY OF CARLETON, }
TO WIT:

I, Herbert M. Jarvis, of the City of Ottawa, County of Carleton, Gentleman, do solemnly declare, that I have heard with surprise that the Honorable the Postmaster-General has been impressed by some one (to me unknown) with the idea, "that during my

period of service in the London Post Office, I on several occasions made excuses for getting back into the office in the evening when I would be alone in it."

This charge I most positively and solemnly deny. I further declare that I never once asked to go back to the office for other purposes than to perform my duties. That I never did go back on any single occasion that I can recollect except on the evenings I was detailed for night duty. That I never was to the best of my belief *alone* in the Post Office. I further declare the charge to be a false and malicious one, and one which I challenge any individual living to prove to be true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act passed in the thirty-seventh year of Her Majesty's reign, intituled "An Act for the suppression of voluntary and extra judicial oaths."

H. M. JARVIS.

Taken and declared before me at the City of Ottawa, in the County of Carleton, this fifth day of June, A.D. 1879.

(Signed)

A. KEEFER,

A Commissioner.

Letter from G. Murray Jarvis to Sir Alexander Campbell.

OTTAWA, 4th JUNE, 1879.

As a more complete explanation of the accompanying official letter, I will as briefly as possible state that my son, who left Ottawa on 5th Oct. for London, took with him about \$120. He left his wife expecting her confinement immediately. He disposed of his household effects here, intending to replace them in London when his wife and children joined him. That he was advised not to use this money till such time as he was assured of his wife's safety and ability to join him in his new home. His wife was safely delivered on 11th November, and about the middle of December sent word to say she could go up. My son then left his lodgings in the Revere House and engaged rooms at a private boarding-house, (Mrs. Howie's,) which he was to furnish. His principal expenditure then commenced. He did not think it necessary to inform the public where he got his money from as long as he paid for what he bought. He had forwarded to me sufficient to buy railway tickets for his family, which I had done, and they were all to have started the very day we heard of his troubles. In addition to the money he took with him, he had his November and December pay, which amounted to about \$120 more.

I was present at the primary examination, and the amount of money they proved by shop boys and others that he had spent, did not amount to anything near the sum he is known to have had. That he did on

several occasions spend his money injudiciously, I do not deny,—but no one has a right to dictate to a man as to how he shall spend his money, as long as it is legally his own.

Yours very truly,

G. MURRAY JARVIS.

Letter from Judge Gwynne to G. Murray Jarvis.

JUNE 9th, 1879.

I received the papers herewith from Sir Alex. Campbell. I have since seen him, and he wishes me to let you see them. You will see by them that it is out of my power to ask Sir Alexander to do more than he has done; and that with every disposition, as far as I can judge, to arrive at a contrary conclusion from that at which it appears he has conclusively arrived at.

Believe me to be, &c., &c.,

(Signed)

J. W. GWYNNE.

Letter from Sir Alex. Campbell to Judge Gwynne.

TORONTO, ONTARIO, 3rd JUNE, 1879.

After receiving the enclosures in the Jarvis matter which you last sent me, I caused further enquiry to be made in order to guard myself against the possible damage of having come to an unjust decision, which I should much deplore in the matter. The result of this further action on my part is, that I have now before me letters from the Police Magistrate, London, Mr. Lawrason; from the County Attorney, Mr. Hutchinson; and from Mr. Meredith, Q.C., who was the Counsel retained for the prosecution of Jarvis; and a further statement from the Inspector and from the Deputy Postmaster-General. The legal officials whose names I have above mentioned, all write that they were quite satisfied in their own minds as to the culpability of Jarvis, although the evidence was so insufficient as to have induced Mr. Justice Galt to refuse to allow it to go to the Jury. On the other hand, the two Post Office officials point out there were eighteen cases reported of letters robbed during the month of December last, and that the amount stolen was \$284.45, and that the whole of these letters passed through the hands of Jarvis, and through the hands of no other one person; and also, that the undoubted fact of Jarvis' expenditure having noticeably overran his income was not in any way explained by him. Had he been innocent he would, one would have supposed, have fully explained how this was to be accounted for.

As regards Lawless, against whom Jarvis would now vain direct suspicion, there is not the slightest ground upon which to rest suspicion, save the statements which you furnished me of his previous bad char-

acter. These statements, you will doubtless have observed, all conclude by stating that he had reformed, and stood well as regards character; but at all events, there is nothing whatever to connect him with the loss of these letters; whereas, Jarvis had the opportunity when he was alone of taking the letters. The losses began to occur immediately after he joined the Department there, and ceased when he left it; and there is no explanation of his extravagance compared to his income. I wrote to his father at some length a day or two ago, and have directed his salary to be paid up to the time of his dismissal, but it is impossible for me to take him back to the Department, or even in my own mind, to exonerate him from the charges preferred against him; at the same time I have been exceedingly anxious to discover that I was wrong, and would most willingly have taken a different view of it had it been possible.

I wish you would take occasion to let Mrs. Jarvis and Miss Jarvis know that I have, at all events, taken every pains to arrive at a just conclusion in the matter, and it is only with much regret that I am constrained to believe that the young man is guilty.

Faithfully yours,

(Signed)

A. CAMPBELL.

HON. J. W. GWYNNE,

Supreme Court, Ottawa.

Letter from G Murray Jarvis to Judge Gwynne.

FINANCE DEPT., 9th JUNE, 1879.

I have your note of this date with Sir Alexander Campbell's of 3rd June, a day earlier than the date of my reply to his letter of 31st May, which you saw. In making further enquiries as he promised he has referred only to the same persons, who could not possibly do otherwise than give the opinion they have done, as they were all more or less concerned in the prosecution, and he appears as you say to have come to a conclusion without waiting for my reply to the grounds upon which his impressions were formed, and only made known to me by reading his note to you of 17th May.

I therefore send you herewith copies of my letters to the Postmaster-General dated 4th June, and which were addressed to him at Moss Park Toronto. I am inclined to think that he cannot have received them, certainly he had not when he wrote his last letter to you, I will here say that the reason we did not make known at the first examination, (when my son's large expenditure of money was being proved) how he came to have so much in his possession was because his Counsel thought it unadvisable to do so then, though I wished it, his opinion was that it would be better at the trial when he would unexpectedly produce the evidence, which was supplied by the Auditor-General. I think you will find the enclosed letters satisfactorily to answer the paragraph in Sir Alex. Campbell's letter which I have marked in the margin.

I should like to have this letter again to send to Toronto if you have no objection.

Can you ascertain whether my letters have ever reached him.

Yours &c., &c.,

G. MURRAY JARVIS.

Letter from G. Murray Jarvis, to Sir Alex. Campbell.

OTTAWA, JUNE 11th, 1879.

On the 4th June, I addressed you at Moss Park, Toronto; since then Judge Gwynne has handed me your letter to him, dated 3rd June.

The only excuse for writing to you now, is to ask whether my letter ever reached you.

I hope you will forgive my perseverance, which is nothing more than a natural interest in the matter.

Yours very truly,

G. MURRAY JARVIS,

HON. SIR ALEX. CAMPBELL, K. C. M. G.,
Postmaster-General.

Letter from Sir Alex. Campbell, to G. Murray Jarvis.

OTTAWA, 12th JUNE, 1879.

I duly received your letter of the 4th June, but my last letter to Judge Gwynne, which he told me he would send to you, *contains the answer to it*, and as I knew you were to have the perusal of that letter I was anxious to save myself the labour of writing another, and so neglected to answer yours of the 4th, for which I beg to apologise. I am sorry to think that nothing more can be done for your son.

Faithfully yours,

A. CAMPBELL,

Letter from Judge Galt to G. Murray Jarvis.

TORONTO, 26th June, 1879.

It would afford me sincere pleasure if I could be of any service to your son, but beyond stating that, in my opinion, there was no evidence whatever against him on the trial which took place before me at London, I do not see what I can do to advance his interests. You are at perfect

liberty to use the statement which I now make in any way you think may be of advantage to him. If I see Sir Alex. Campbell I will speak to him about your son, but I cannot write to him as I have no right to make any formal application to the Government in behalf of any person, and have never done so.

Yours, &c., &c.,

(Signed)

THOMAS GALT.

Mr. Justice Henry to

[Copy.]

OTTAWA, 23rd JUNE, 1879.

MY DEAR SIR,—I would take it as a favour if you could give Mr. Jarvis something to do in the way of writing.

I am satisfied that he was innocent of the charge lately made against him, and is therefore, in my view, an injured man.

Yours very truly,

W. A. HENRY.

[Copy.]

TORONTO, 22nd MAY, 1879.

MY DEAR JARVIS,—I regret very much that till I am applied to by the Government, or by the Postmaster-General, I cannot make any report on your son's case, as a Judge never writes to the Government until he is directed to report on any case tried before him. I have much pleasure, however, in telling you that, when I am requested to do so, I will inform the Postmaster-General that there was no evidence against your son. I shall say that, admitting money had been abstracted, there was no reason why blame should be attributed to him more than to any other gentleman employed in the Post Office.

Sincerely yours,

THOMAS GALT.

G. MURRAY JARVIS, ESQ.

[Copy.]

TORONTO 26th JUNE, 1879.

MY DEAR JARVIS,—It would afford me sincere pleasure if I could be of any service to your son, but beyond stating that, in my own opinion, there was no evidence whatever against him on the trial which took place before me at London, I do not see what I can do to advance his interests.

You are at perfect liberty to use the statements I now make in any way you think may be of advantage to him. If I see Sir Alexander Campbell I will speak to him about your son, but I cannot write to him as I have no right to make any formal application to the Government in behalf of any person, and have never done so.

Sincerely yours,

THOMAS GALT,

G. MURRAY JARVIS, Esq.

OTTAWA, 10th SEPTEMBER, 1879.

SIR,—Permit me to lay before you the copies of two letters addressed to me by Judge Galt. They have reference, as you will perceive, to my son, Herbert M. Jarvis, who was arrested at the instigation of Mr. Griffin, in London, on 31st December, 1878, upon charges for which, after nearly four months' imprisonment, he was tried before a Jury and honourably acquitted.

Four days after his acquittal, an Order-in-Council was passed dismissing him from the Service in which he had been for several years.

He is a married man with a young family, sent adrift upon the world, with, as the matter now stands, a ruined reputation, and without any means of support.

A somewhat lengthy correspondence has taken place with the Postmaster-General and others on this subject, but the Postmaster-General, who is willing and anxious, as he says, to look favorably on the case, if he is able to see his way clearly to do so, admits that his judgment is formed upon the opinion of the Deputy Postmaster-General and other officials in the Post Office, persons who were the original instigators of this trouble, and to whom alone he has referred for a report.

It certainly appears very unjust that after a fair trial and acquittal, and the written opinion of the Judge who tried the case, as well as the expressed and written opinions of two Judges of the Supreme Court, (Judges Gwynne and Henry,) both of whom are fully acquainted with all the particulars, that my son should be deprived of his character and means of support to gratify the prejudice of Mr. Griffin and the others who are influencing Sir Alexander Campbell.

I address you now as a member of the Privy Council, in hope that the Government may be induced to give my son's case consideration, and call upon the Post Office Department to produce all the correspondence on this subject, including particularly Mr. Griffin's offer of freedom to my son on certain conditions, made immediately after his arrest.

All I ask or expect is justice, and this I cannot obtain till such a course as I now ask is taken, and the Government are made fully acquainted with all the facts.

I can, at any moment, furnish the correspondence alluded to, if called upon to do so.

I have the honor to be, Sir,

Your most obedient Servant,

G. MURRAY JARVIS.

HON. MINISTER OF

G. Murray Jarvis to Sir Alexander Campbell.

OTTAWA, 12th SEPT., 1879.

SIR,- Will you allow me one more chance of removing from your mind the idea that my son is guilty of the charges brought against him by Mr. Griffin in December last. I ask this favor in consequence of your last letter to Judge Gwynne on the subject, and which conveyed to me through him your final decision, having been written in *Toronto a day previous to the date of my letter which contained the refutation of the three distinct charges* set forth in your former letter, and upon which you had formed an unfavourable opinion.

I enclose a copy of a circular letter which I have addressed to each of the members of the Privy Council in hopes that the Government may be induced to look more fully into the matter which is of too serious a nature to be allowed to lay dormant until every possible means is resorted to, to have the truth arrived at.

The circular letter is sent without the slightest intention of giving offence to any one, and I trust you will consider it in this light.

G. MURRAY JARVIS.

Sir Alexander Campbell to G. Murray Jarvis.

OTTAWA, SEPT. 17th, 1879.

DEAR SIR, - I beg to acknowledge the receipt this morning of yours of the 12th, with the copy of the circular which you tell me you have addressed to each member of the Privy Council on the subject of your son's case.

I regret to find the statement inaccurate, in fact—my judgment was not formed, as you state, "upon the opinion of the Deputy Post-master-General and other officials in the Post Office, persons who were the original instigators of the trouble, and to whom alone I have referred for report." I had taken special pains on the contrary to procure the opinions not only of these officials but of every one who had any opportunity of knowing anything of the circumstances. Nor is the statement correct in fact, in setting forth that Judges Gwynne and Henry

were acquainted with all the particulars upon which I based my decision, that it was inexpedient to restore your son to his position in the Post Office Department.

Yours truly,

A. CAMPBELL,

Postmaster-General.

G. MURRAY JARVIS, Esq., Ottawa.

G. Murray Jarvis to Sir Alexander Campbell.

OTTAWA, 18th SEPT., 1879.

DEAR SIR,—I have to acknowledge the receipt of your letter of 17th, and regret that you should consider the statement I have made in my circular letter to the members of the Privy Council inaccurate in fact.

When writing that letter I had yours of the 8rd June, to Judge Gwynne, before me.

In that letter you say :—

“ I have now before me letters from the Police Magistrate, London, “ Mr. Lawranson ; from the County Attorney, Mr. Hutchinson, and from “ Mr. Meredith, Q.C., who was the Counsel retained for the prosecution “ of Jarvis, and a further statement from the Inspector, and from the Deputy “ Postmaster-General. The legal officials, whose names I have above men- “ tioned, all write that they are quite satisfied in their own minds as to “ the culpability of Jarvis, *although the evidence was so insufficient as to “ have induced Mr. Justice Galt to refuse to allow it to go to the Jury.*”

It was upon this that I (and I think justly,) concluded your opinion had been formed.

Upon reference to my circular letter, you will find that I did *not* state that Judges Gwynne and Henry were acquainted with all the particulars upon which you had based your decision, that it was inexpedient, to restore my son to his position in the Post Office Department. What I did say, was : “ That Judges Gwynne and Henry were both fully acquainted with all the particulars,”—*meaning, of course, the particulars of the case,*—and having no reference whatever to the particulars upon which you had based your decision.

Neither my son nor myself have ever desired that he should be restored to the Post Office Department, when such a manifest ill feeling exists against him, and which ill feeling is openly and continually shown by Mr. Griffin, Mr. White, Mr. Wicksteed, and Mr. Ashworth, expressing their opinion that my son was guilty in spite of Judge or Jury. Many of these expressions have been repeated to me by persons of undoubted integrity, and who will substantiate what I now write at any time.

What I do wish is that my son should be re-employed in the Civil Service, and not sent an outcast upon the world with an indelible stain upon his character.

Yours,

G. MURRAY JARVIS.

HON. SIR ALEXANDER CAMPBELL, K.C.M.G.

[Copy.]

OTTAWA, 18th SEPTEMBER, 1879.

DEAR SIR,—I am desired by Sir Leonard Tilley to say in reply to your letter of the 10th instant, that he will speak to the Postmaster-General about your son's case.

Yours faithfully,

FRED. TOLLER,

Private Secretary.

G. MURRAY JARVIS, Esq., Ottawa.

[Copy.]

OFFICE OF THE MINISTER OF RAILWAYS AND CANALS, CANADA,

OTTAWA, SEPT. 18th, 1879.

DEAR SIR,—Sir Charles Tupper has instructed me to acknowledge the receipt of your letter dated 10th instant, and to say to you that your son's case will receive his best attention.

Yours truly,

A. P. BRADLEY,

Private Secretary.

G. MURRAY JARVIS, Esq., Ottawa.

[Copy.]

OTTAWA, SEPT. 18th, 1879.

G. MURRAY JARVIS, Esq., Ottawa.

SIR,—I am in receipt of your communication of the 10th September with copy of two letters addressed to you by Judge Galt, in reference to your son's case, and I may say, that should the matter appear before me I will endeavour to give same fair and just consideration.

Yours truly,

G. BABY.

[Copy.]

OTTAWA, SEPT. 24th, 1879.

SIR,—Your letter of 10th Sept., together with copies of two letters from Judge Galt to you, have reached me. I transfer them to Sir Alexander Campbell, requesting him to give this matter his best consideration.

I remain sir,

Your most humble Servant,

HECTOR J. LANGEVIN.

G. MURRAY JARVIS, Esq., Ottawa.

 [Copy.]

OTTAWA, 6th OCTOBER, 1879.

G. MURRAY JARVIS, Esq., Ottawa.

SIR,—I have to acknowledge the receipt of your letter of the 10th ult., with reference to your son, Herbert M. Jarvis' case.

This is a matter altogether for the consideration of the Postmaster-General, and he alone must determine whether it is in the interest of the Public Service that your son should be restored to his position.

I remain, Sir,

Your obedient Servant,

JOHN A. MACDONALD.

 [Copy.]

OCTOBER 14th, 1879.

I handed all the papers in this matter to the Minister the day after he returned.

Z. A. LASH.

 21st OCTOBER, 1879.

SIR,—With reference to my circular letter addressed to you on 10th September last, on the subject of my son, Mr. H. M. Jarvis, and in which, perhaps, I have not in a sufficiently definite manner set forth what I want, I beg to state, knowing the difficulty that exists in one Minister interfering with the internal concerns of the Department of one of his colleagues, and before asking such a step to be taken, that I have used every means in my power to induce the Hon. the Postmaster-

General to call upon Judge Galt for an official report of this case, *without success*, and I therefore consider the matter no longer a Departmental one, but one in which the public at large, and particularly the Civil Service, are interested, as justice is here set aside and entirely ignored, to make way for individual opinion. I have only two objects in view. One is that the Department of Justice shall call upon Mr. Justice Galt for an official report, and that *an open* investigation may be had. The English law is that a man is innocent till proved guilty. If the Post Office Authorities have any evidence to produce other than that produced at the trial, it is only common justice that it should be made known, and an opportunity thus afforded my son to prove to the satisfaction of the world his innocence. When such an opportunity is given there will be very little difficulty in proving erroneous the reasons given by the Postmaster-General for adhering to his present unfavourable opinion.

I have the honor to be, Sir,

Your obedient Servant,

G. MURRAY JARVIS.

THE HON. JAMES MACDONALD,

Minister of Justice.

[Copy.]

ST. JOHN'S CHURCH, Nov. 3rd, 1879.

I have read all the correspondence relating to the case of Herbert Jarvis, and am firmly convinced of his innocence of the charges laid against him. There may be of course other matters which have not been made public, even to his own family.

But it does seem to me that when he asks for a further investigation, and is willing that the matter should be sifted to the uttermost, the least that can be done is that his request be granted. If he is not afraid to face the investigation, why should it be denied him? At present he rests under a cloud of suspicion, although the Judge and Jury acquitted him—and it is a very serious matter that he is not allowed the means of vindicating his character, or on the other hand that the authorities will not prove that they have grounds for their refusal. Common Justice I think requires that the prayer of the petition should be granted.

(Signed)

H. POLLARD,

Rector of St. John's Church, Ottawa.

[Copy.]

DEPARTMENT OF THE SECRETARY OF STATE,

No. 611.

OTTAWA, 11th Nov., 1879.

SIR,—I have the honor to acknowledge the receipt of your petition of 31st ulto., addressed to His Excellency the Governor-General, pray-

ing that an investigation may be made into the circumstances connected with your dismissal from the Post Office Department.

I have the honor, &c.,

G. POWELL,

For Under-Sec. of State.

Mr. H. M. JARVIS, Ottawa.

TORONTO, 13th NOVEMBER, 1879.

MY DEAR JARVIS,—I received your letter of the 10th instant with the copy of your son's petition (which I return) this morning. As I wrote you before, it is not in my power to do anything. I cannot address the Government unless I am officially required to do so; and all I can say I have said already, viz: that in my opinion, there was no evidence against your son which would have justified a verdict against him.

Sincerely yours,

THOMAS GALT.

G. MURRAY JARVIS, Ottawa.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR JOHN SUTHERLAND CAMPBELL, P.C., K.T., K.G., C.M.G., MARQUIS OF LORNE, GOVERNOR-GENERAL OF CANADA, &c., &c., &c.

IN COUNCIL ASSEMBLED.

The Petition of Herbert Murray Jarvis, of the City of Ottawa.—Gentleman.

RESPECTFULLY SHEWETH,

1. That your Petitioner, on the 28th day of March, A.D. 1872, was appointed an extra clerk in the Post Office Department, at a salary of \$1.50 per diem, and, on the 1st day of July, A.D. 1873, was made a permanent clerk in the said Department, at a salary of \$450 per annum, and continued to serve in the said Department until the month of October, A.D. 1878, when he was promoted and transferred to the outside service of the said Department at London, Ontario, at a salary of \$700 per annum.

2. That your Petitioner, on the 31st day of December, A.D. 1878, upon an information laid by Gilbert Griffin, Post Office Inspector of the London district, was arrested and committed to prison on the charge of abstracting the sum of \$2.95 from a letter which passed through the hands of your Petitioner.

3. That your Petitioner, on the charge aforesaid, was confined in the Common Gaol, at the City of London, aforesaid, from the 31st day

of December aforesaid, to the 22nd day of April, A.D. 1879. On the last day aforesaid, your Petitioner was tried on the charge aforesaid, and was acquitted by the direction of the Honourable Mr. Justice Galt, the preceding Judge of Assize, *who stated that there was no evidence whatever to go to the Jury.*

4. That your Petitioner, previous to his release from imprisonment aforesaid, was charged with the commission of several other offences of a similar nature, and was subjected to an examination thereon, and the only evidence adduced at such examination was the fact that your Petitioner was in the Post Office when the money alleged to have been missing was abstracted or lost.

5. That on the 26th day of April aforesaid, an Order-in-Council was passed, removing your Petitioner from the Civil Service.

6. That your Petitioner is a married man, with a wife and two children dependent upon him.

7. That your Petitioner, conscious of his innocence, and fortified by the very strong condemnation of the prosecution expressed by the presiding Judge of Assize, having a full reliance on the honour and justice of the Crown in re-instating him in his appointment as soon as the facts were fully known; and, being undesirous of carrying on any further litigation in the Courts for the vindication of his character, respectfully requested the Honourable the Postmaster-General to direct an open investigation, by the proper Post Office authorities, into the charges that had been brought against him. This request, however, the Postmaster-General refused to accede to.

8. That your Petitioner when he received the final decision of the Postmaster-General refusing an open enquiry was unable by the reason of lapse of time to bring an action against the said Gilbert Griffin for false imprisonment in order to re-establish his character in a Court of Justice.

9. That your Petitioner, if an opportunity is afforded him, is prepared to shew that several of the reasons given by the Post Office Authorities for his arrest were wholly groundless and had no foundation in fact, and your Petitioner is further prepared to shew that he is wholly innocent of all the offences with which he has been charged.

10. That the prosecution having wholly failed to make out any case whatever against your Petitioner or to offer sufficient evidence to go to the Jury, the Jury under the direction of the Judge rendered a verdict in favor of your Petitioner, whereby your Petitioner was unable to offer any testimony in his own behalf to shew how he became possessed of moneys which the prosecution assumed he could not account for, or to explain away certain appearances which were alleged to be indicative of his guilt.

11. That your Petitioner now seeks a full investigation of all the proceedings taken against him from the time of his arrest until his removal from the Civil Service, as the only means now open to him to prove his innocence and vindicate his character.

12. That the present position of your Petitioner is a painful and serious one, and deserving of the favourable consideration of your Excellency in Council. In the enjoyment of what he had reason to suppose was a permanent appointment in the Civil Service of Canada, at a salary of \$700 per annum, representing the sum of \$11,667 capitalized at 6%, with the chances of promotion under the rules of the Service, and having contributed annually the sum 2% interest of his salary as a provision for his retirement, your Petitioner suddenly found himself arrested and imprisoned upon a charge which proved to be so false and groundless that it was not even sufficient to make out a *prima facie* case against him. While in prison and treated as a felon, the Post Office Authorities at London made further charges against him, which were even more utterly untenable than those on which he was put upon his trial. In addition thereto, while actually under commitment on the charges for which he was afterwards arraigned, the Post Office Inspector at London importuned him to *confess his crime*, and held out as an inducement when he did so, that he would be permitted to put in *worthless* bail and be allowed to escape, and when your Petitioner, innocent of any crime, indignantly refused to *confess*, a system of persecution was commenced, and several other false charges were brought against him, not one of which was proved, in the hope of frightening him to make a false confession, in order, as your Petitioner believes, to screen the person who was actually guilty of the crime.

13. After being honourably acquitted at the trial under the direction of the presiding Judge, your Petitioner was instantly dismissed from the Service without being allowed any opportunity of explanation, or without being called upon to vindicate his character or establish his innocence; his means of support for himself and family taken away; his chances of promotion gone; with his character blasted, his reputation ruined, the stigma of crime indelibly stamped upon him, and with no hope of obtaining employment elsewhere till he had established his innocence.

14. As an example of the animus of the parties engaged in the attempt to destroy the reputation of your Petitioner, it may be mentioned that, a clerk in the London Post Office, who was one of the principal witnesses on the part of the prosecution, swore on the trial that he had been in the habit of setting traps, by decoy letters, to try and trap your Petitioner, but further stated that in no single instance had he been successful, and that this espionage was carried on at the instigation of the Post Office Inspector or his Deputy.

Under these circumstances your Petitioner submits, that his case is one of very great hardship, and that Your Excellency, as a simple act of justice, will order an enquiry thereinto.

Your Petitioner, therefore, respectfully prays that he be granted an investigation into all the circumstances connected with the case, and that the Honourable Mr. Justice Galt be called upon for an Official Report thereof, as it appeared when he was the presiding Judge of Assize, and thus your Petitioner be permitted to produce evidence in

explanation of all the supposed grounds or causes for the charges made made against him, and of all the supposed appearances which were alleged to be indicative of his guilt.

And your Petitioner, as in duty bound, will ever pray.

H. M. JARVIS,

OTTAWA, 31st OCTOBER, 1879.

[This Petition was kindly presented to Major De Winton, the Governor-General's Secretary, by the Rev. Mr. Pollard.]

[Copy.]

H. M. Jarvis to Major de Winton.

7th JANUARY, 1880.

SIR,—On 30th October last, I had the honour to address a Petition to His Excellency the Governor-General, on a subject of the greatest importance to myself, to which I have received no official reply.

May I ask that His Excellency's decision in the matter may be communicated to me officially.

I have the honor, &c.,

H. M. JARVIS.

MAJOR F. DE WINTON, R. A.,

Governor-General's Secretary.

GOVERNMENT HOUSE, OTTAWA,

7th JANUARY, 1880.

SIR,—I have the honour to acknowledge the receipt of your Petition dated the 30th October, 1879, and your letter of the 7th of January, 1880.

The Petition in question has been transferred to the Secretary of State for Canada, who will communicate to you His Excellency's decision in the matter.

I have the honour to be, Sir,

Your most obedient humble Servant,

F. DE WINTON,

Major R. A., Gov.-Gen'l's Secretary.

Mr. H. M. JARVIS, Ottawa.

[On 10th November the foregoing Petition was sent by command of His Excellency the Governor-General, to the Secretary of State for consideration, and report as endorsed upon the margin by Major DeWinton, Governor-General's Secretary, and was in turn transferred by the Secretary of State to the Post Office Department.

[Memo.]

On 2nd December, 1879, Major DeWinton, by command of His Excellency the Governor-General, wrote to the Secretary of State, calling his attention to his former communication, dated 10th November, which still remained unanswered, and this communication was in due course sent to Postmaster-General, to which the following reply was sent.

[Copy.]

POST OFFICE DEPARTMENT, OTTAWA, 5th DECEMBER, 1879.

SIR,—I have the honor to acknowledge the receipt of your letter of 4th inst, requesting an early reply to your communication of 11th ultimo, respecting the case of Mr. H. M. Jarvis, and I am to say that after full and attentive consideration of the papers relating to the arrest and trial of Mr. Jarvis, and communicating with the various legal officials engaged in the prosecution, as well as with the Inspector of the division and the London Postmaster, the Postmaster-General arrived at the conclusion that although Mr. Jarvis had been acquitted, the verdict could only be considered by him one of "not proven" and that the facts established so strong a presumption of guilt against Mr. Jarvis, as to render his continuance in the Post Office Department inexpedient, the superior officers of the Post Office Department at London, as well as those of his own rank all believing him to have purloined money letters."

No additional investigation has been ordered by the Postmaster-General, and Mr. Jarvis has long since been informed that the Postmaster-General did not see that he could take any further action in the matter.

I have, &c.,

(Signed)

WM. WHITE,

Secretary.

THE HONOURABLE THE SECRETARY OF STATE.

[Copy.]

OTTAWA, 12th JANUARY, 1880.

SIR,—I am directed to acknowledge the receipt of your letter of the 9th inst., and its enclosure, requesting that the decision of His Excellency the Governor-General upon your petition of the 30th October last may be communicated to you.

In reply, I am to inform you that your petition having been referred to the Honourable the Postmaster-General for a report thereon, a letter has been received at this Department from the Secretary of the Post Office Department, communicating the decision of that Minister with respect to your case.

I am now directed to enclose a copy of that letter, and to state that His Excellency cannot interfere with the decision of the Postmaster-General therein conveyed.

I have the honor, &c.,

EDWARD J. LANGEVIN,

Under Secretary of State.

H. M. JARVIS, Esq., Ottawa.



