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P A P E R S

RELATING TO

CANADA LANDS

(Messrs. Thompson, Whitcher, and Felton.)

*Ordered, by The House of Commons, to be Printed,
21 April 1837.*

[Price 2s. 6d.]

CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 16 March 1837 ;—for,

Copy of the AGREEMENT concluded between His Majesty's Government and the British American Land Company, in the Year 1833, with an Account of the Sums paid by the Company under that Agreement.

COPIES of a REPORT of the Select Committee of the House of Assembly of *Lower Canada*, respecting Mr. *Thompson*, Judge of the Inferior District of Gaspé, and of any CORRESPONDENCE between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Thompson*.

COPIES of a REPORT of the Select Committee of the House of Assembly of *Lower Canada*, respecting Mr. *Whitcher*, Sheriff of St. Francis, and of a CORRESPONDENCE between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Whitcher*.

COPIES of TWO REPORTS of a Select Committee of the House of Assembly of *Lower Canada*, respecting Mr. *Felton*, together with any further CORRESPONDENCE (*in continuation of that presented on the 26th July 1836*) on the subject of the Complaint against Mr. *Felton*. [*Papers ordered to be printed, 4 March and 27 July, Nos. 75 & 489, Sess. 1836*].

Colonial-Office, Downing-street, }
11 April 1837.

G. GREY.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,

21 April 1837.

SCHEDULE.

Copy of the Agreement concluded between His Majesty's Government and the British American Land Company - - - - - p. 3

Report of the Select Committee of the House of Assembly of Lower Canada, respecting Mr. Thompson, Judge of the Inferior District of Gaspé, and Correspondence thereon - p. 5

No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 6 December 1836, (three Enclosures) - - - p. 5

No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 24 January 1837 - - - - - p. 97

No. 3.—Copy of a Letter from Lord Glenelg to the Lord President of the Council, dated Downing-street, 27 January 1837 - - - - - p. 98

Report of a Select Committee of the House of Assembly of Lower Canada respecting Mr. Whitcher, Sheriff of St. Francis, and Correspondence thereon - - - - - p. 98

No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 9 September 1836 (seven Enclosures) - - - p. 98

No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 1 December 1836 - - - - - p. 133

Two Reports of a Select Committee of the House of Assembly of Lower Canada, respecting Mr. Felton, and Correspondence thereon - - - - - p. 137

PLAN of the Counties of Stanstead, Sherbrooke, Missiskoui, Shefford, Drummond, Megantic, and part of Nicolet, in the Province of Lower Canada - - - - - at the end.

C A N A D A.

COPY of the AGREEMENT concluded between His Majesty's Government and the British American Land Company in the Year 1833, with an Account of the Sums paid by the Company under that Agreement.

MEMORANDUM of AGREEMENT between the Right Honourable *Edward Geoffrey Smith Stanley*, His Majesty's Principal Secretary of State for the Colonial Department, on behalf of His Majesty's Government on the one part; and *George Richard Robinson*, M. P., Governor, *Nathaniel Gould*, Deputy-governor, *Patrick Maxwell Stewart*, M. P., *William Petrie Crawfurd*, *Alexander Gillespie*, junior, *William Inglis*, *John Kirkland*, *Edward Wheeler Mills*, *John Shuter*, *Lewis Stride* and *James Wilson*, the Court of Directors nominated and appointed by the Merchants and others who have united together to establish a Company for purchasing, improving, settling and disposing of Land in His Majesty's colonies and provinces in North America and their dependencies, and for other purposes connected therewith, under the name of The British American Land Company, and intended to be incorporated by Royal Charter, on the other part.

Agreement between
H. M. Government
and the British
American Land
Company.

WHEREAS the said court of directors having made application to His Majesty's Government to sell, grant and convey to the said Company, for a valuable consideration, certain lands known by the name of Crown reserves, and certain other Crown lands situated in the eastern townships of the province of Lower Canada, as the commencement of their operations, and His Majesty's Government having acceded to the said application, this memorandum, embodying the terms upon which such sale and grant is to be made, has been concluded between His Majesty's Government and the Company as follows:

1. Mr. Secretary Stanley, on behalf of His Majesty's Government, has agreed to sell, grant and convey to the said Company the Crown lands and Crown reserves hereinafter described, situated in the eastern townships of the province of Lower Canada, in consideration of the sum of money, and upon the terms and conditions hereinafter mentioned, viz.

The whole of the Crown lands in the county of Sherbrooke unsurveyed, and as represented on the plan hereunto annexed (exclusive of the territory claimed by the United States), supposed to amount to - - - - - Acres, 596,325

The Crown reserves and surveyed Crown lands in the counties of Sherbrooke, Shefford and Stanstead, supposed to amount in all to - - - - - 251,336

Acres, 847,661

Mr. Stanley is willing to take one entire sum of 120,000*l.* for the whole of these lands, subject to the conditions hereinafter mentioned respecting the clergy reserves; 75,992*l.* to be considered as the purchase-money of the unsurveyed lands, and 44,008*l.* that of the surveyed lands.

Mr. Stanley considers that he is selling the whole of the beforementioned Crown reserves and surveyed lands at 3*s.* 6*d.* per acre, and somewhat more than 500,000 acres of the unsurveyed land at 3*s.* per acre, leaving to the Company about 90,000 acres as an allowance for any unavailable land which on survey may be found in the block, and it is distinctly understood that no claim can be admitted hereafter on the ground of lands found unsuitable to the purposes of the Company.

2. His Majesty's Government, however, excepts from this sale any town lots or sites already laid out or reserved as such (not exceeding in the whole 10,000 acres), which His Majesty's Government may, at any time within a period of two years from the date of the charter to be granted to the Company, declare its intention to take up; and for all or any lots which may be so taken up a corresponding deduction, at the rate of 3*s.* 6*d.* per acre, shall be made from the amount of the purchase money hereby agreed to be paid by the said Company.

The Company shall be debarred from selling any town lots or sites already laid out or reserved, without giving intimation to His Majesty's Government; and the Government on their part shall be bound within a limited period to announce their decision in regard to such lots.

3. If means can be found of legally accomplishing the object, one-seventh of the unsurveyed lands sold in the county of Sherbrooke shall be deemed a sale of clergy reserves, and the purchase money be set apart, amounting to one-seventh of 75,992*l.* or 10,856*l.*, which in that case will not be subject, like the rest, to the condition that one-half be expended in public works and improvements, as hereinafter mentioned in clause 6. But this modification of the sale will be dependent on the practicability of executing this arrangement; and unless

Agreement between
H. M. Government
and the British
American Land
Company.

its practicability be secured within one twelvemonth from the present date, no such modification shall have effect.

4. One-tenth part of the whole purchase-money (including the portion proposed to be treated as the price of a sale of clergy reserves) shall be paid within 12 months from the date of the charter. The payments of the remaining amount to be completed within 10 years from the same date, and in the meantime to bear interest at the rate of four per cent. per annum; the Company, however, having the option of anticipating the whole or any part of the payments.

5. The payments shall be made to such officer, connected with the receipt of the Crown revenues in the said province of Lower Canada, as His Majesty's Government shall from time to time appoint to receive the same, and a receipt under the hand and seal of such officer, attested by one witness, shall be a good and sufficient discharge to the said Company for every sum of money acknowledged in any such receipt to have been received by the officer granting the same. And for obviating any doubt as to the proper officer into whose hands such money is to be paid, notice will be given by His Majesty's Government, informing them of the officer who may be appointed to discharge this duty and grant the proper receipts.

And upon producing to the Governor in Chief or officer administering the government of the province a receipt, signed, sealed and attested as abovementioned, a grant will be issued to the said Company for such a portion of the lands as may be equivalent to the purchase-money actually paid. And every such grant shall be made to the said Company gratuitously without any fee of office, demand or duty being due or payable to any public officer for preparing, expediting, sealing and issuing the same.

To prevent unnecessary trouble, the Company shall not be entitled to require a grant to be made out for any portion of land less than 5,000 acres.

6. One-half of the money so to be paid by the Company shall be expended, at the discretion and on the sole responsibility of His Majesty's Secretary of State, on public works and improvements in that part of the province of Lower Canada in which the land sold to the Company is situate. But His Majesty's Government will always be ready to receive any suggestions of the Company for expending this moiety. By the terms public works and improvements will be understood canals, bridges, high roads, market-houses, court-houses, school-houses, the erection of churches and parsonage houses, the clearing and improvement of glebe lands, and any other works undertaken and calculated for the common use and benefit of His Majesty's subjects, in contradistinction to works intended for the use and accommodation of private persons.

7. His Majesty's Government will instruct the Governor in Chief or officer administering the government of the province of Lower Canada to direct the proper departments of the provincial government to furnish the Company with maps and diagrams, showing the situation of the lands hereby agreed to be sold, without any fee of office, demand or duty being due or payable to any public officer for the same; His Majesty's Government will also instruct the Governor in Chief or officer administering the government to facilitate the inquiries of the servants of the Company.

Signed by Mr. Secretary Stanley, Downing-street.

(signed) *E. G. Stanley.*

Signed by Nathaniel Gould, Chairman of a General Court of Proprietors, in pursuance of a resolution passed this day, 1, Freeman's-court, Cornhill, 31 December 1833.

(signed) *Nathaniel Gould, Depy Govr,
Chairman of the Court of Proprietors.*

SUPPLEMENTARY ARTICLE of AGREEMENT between the Right Honourable *Thomas Spring Rice*, His Majesty's Principal Secretary of State for the Colonial Department, on behalf of His Majesty's Government on the one part, and *George Richard Robinson*, M. P., Governor, *Nathaniel Gould* Deputy-governor, *Patrick Maxwell Stewart*, M. P., *John Peter Boileau*, junior, *William Petrie Crawford*, *Russell Ellice*, *Alexander Gillespie*, junior, *John Kirkland*, *Edward Wheeler Mills*, *John Shuter*, *Lewis Stride*, and *James Wilson*, the Court of Directors of the British American Land Company, on behalf of that Company, on the other part.

WITH reference to the sixth article of the memorandum of agreement between His Majesty's Government and the Company of the 3d day of December last, which stipulated that one-half of the purchase-money to be paid by the Company shall be expended in the public works and improvements therein mentioned; it is further agreed between the parties,

That the Company are to prepare, at their own expense and charges, the plans and estimates of the works to be undertaken, whether proposed by Government or the Company, and submit the same to the Governor or person administering the government of the province of Lower Canada.

If the Governor or person administering the government approve of the contemplated undertaking, either as originally submitted or as amended upon consideration, the Company will then be authorized by the Governor or person administering the government, to expend such

such sum as may be determined upon under any instructions that may be considered necessary.

The Company will thereupon proceed with the undertaking, and on its completion lay before the Governor or person administering the government, a statement of the actual expense incurred in effecting it, with the vouchers, and if he is satisfied the Company will then either receive payment of the amount, if there is money in the hands of government belonging to the Improvement Fund, provided by the sixth article of the memorandum of agreement before referred to, or be allowed credit for the amount in the next ensuing payment of the purchase-money, according as it may have been previously arranged. It is understood that the Company are to make no charge for or on account of their officers superintending the undertaking, or expending the money in the manner authorized by the Governor or person administering the government.

In case of such protracted differences of opinion between the Governor or person administering the government and the Company, on the mode of laying out the amount to be expended on public works, as shall appear to the Governor or person administering the government to render any further attempt to conclude a mutual agreement in the colony useless, the question shall be referred to the Secretary of State, whose decision shall be final.

Signed by Mr. Secretary Spring Rice, Downing-street, 6th August 1834.

T. Spring Rice.

Signed by Nathaniel Gould, Chairman of a Court of Directors, in pursuance of a resolution to that effect, 4, Barge-yard, Bucklersbury, 6th August 1834.

*Nathaniel Gould, Deputy-Governor,
Chairman of the Court of Directors.*

Agreement between
H. M. Government
and the British
American Land
Company.

AMOUNT paid by the BRITISH AMERICAN LAND COMPANY, under the Agreement with His Majesty's Government of 3 December 1833.

	£.	s.	d.
20 March 1835. First Instalment, Without interest - - - - -	6,000	-	-
20 March 1836. Second Instalment, With two years' interest at four per cent -	6,480	-	-
20 March 1837. Third Instalment, With three years' interest at four per cent -	6,720	-	-
	19,200	-	-
Expended by the Company on public works within their land, in conformity with the Supplementary Article of 6 August 1834 -	15,754	5	6
	£.	34,954	5 6

The above is presumed to be a correct statement of the sums paid by the British American Land Company. As, however, no late accounts on the subject have been received from the Earl of Gosford, His Lordship has been directed to furnish a Report forthwith.

Downing-street, 1 April 1837.

COPIES of a REPORT of the Select Committee of the House of Assembly of Lower Canada, respecting Mr. Thompson, Judge of the Inferior District of Gaspé, and of any CORRESPONDENCE between the Earl of Gosford and Lord Glenelg, on the subject of the Charges preferred against Mr. Thompson.

— No. 1. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord, Castle of St. Lewis, Quebec, 6 Dec. 1836.

I HAVE the honour to transmit herewith certain accusations preferred by the House of Assembly, in the session of 1835-36, against the Honourable John Gawler Thompson, Judge of the Provincial Court of the Inferior District of Gaspé, arising out of a petition from Joseph François Deblois, esquire, an advocate practising in that court, and one of the members for the county of Bonaventure, together with the judge's vindication of himself.

The case is contained in the Sixth and Ninth Reports of the Standing Committee of Grievances, and in the ten accompanying documents, furnished by Mr. Thompson as his defence.

Correspondence
respecting
Mr. Thompson.

Nos. 1 & 2.

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.

MINUTES OF EVIDENCE.

Thursday, 19 November 1835.—ELZEAR BEDARD, Esq., in the Chair.

Mr. *Nicholas Boucher*, Merchant, of Rivière Ouelle, in the county of Kamouraska, called in ; and being Interrogated, answered :

I RESIDED in Percé, in the county of Gaspé, in the inferior district of Gaspé, from the year 1826 to the fall of 1834. During part of this time I was a clerk in the employ of F. Buteau, esq., and for the last two years I have been in partnership with him. During all that time I knew the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the district of Gaspé. I was at Percé in the month of August 1827, and it is to my knowledge that the said honourable judge had then come to Percé to hold the court there according to law. The term at Percé is 10 days. The judge did not hold the court at Percé in the term of 1827 ; and it is a fact that no court was held at Percé at that time. I learnt that the judge, finding himself unwell, had returned to Paspébiac in the county of Bonaventure, and that he had taken his passage on board the schooner *La Reine*, of which Charles Poirrier was master. I was not present when the judge went on board the schooner *La Reine*, but several persons told me that the said honourable judge had left Percé in consequence of the immoderate use of intoxicating liquors. I do not know that the said judge was suffering under any sickness or indisposition ; but I had no opportunity of ascertaining the exact truth. Common report says that he is too much addicted to the use of intoxicating liquors. I cannot recollect whether F. Buteau, esq. had any actions at that time pending in court, or whether he was about to institute some ; but on referring to the books it will be easy for me to give the committee the information required of me. These books are in the possession of the House of Le Boutillier & Buteau. I am certain that there was some business before the court, and that there was some to be commenced. A great many persons in the inferior district of Gaspé complain of the manner in which justice is administered by the said judge, but I do not know whether their complaints are founded or not. I hear that the inhabitants complain of the judge being partial to his nephew, John Robinson Hamilton, esq., one of the advocates practising in the said provincial court. I was sued in the said provincial court in the month of August 1834. The party plaintiff was Ambroise Bourget, and I was defendant. I was condemned to pay the amount demanded and costs ; and I am under the impression that I failed in that case because the judge had not duly considered the nature of the action. The attorney who occupied for the plaintiff was John Robinson Hamilton, esq., advocate, and my attorney was Edouard Thibaudau, esq., advocate, who I trust will furnish the committee with information which I am not competent to give. It is my conviction that the said John Robinson Hamilton exercises an improper influence upon the mind of the judge. It is to my knowledge that the judge generally arrives on the evening previous to the opening of the circuit court, and that he leaves immediately after the business is closed on the last day. There may be some exceptions, but they are very few. This practice is very prejudicial to the interest of the inhabitants, inasmuch as the issuing of writs of execution is retarded, thereby occasioning delays and considerable expenses in putting them into execution. Besides, with respect to new causes, it has occurred that judgment has not been rendered until the following year, which would not have happened if the judge had arrived a few days before the opening of the court in each term. It is to my knowledge that the judge has a room in the court-house at Percé, which is set apart for his use, and which he usually occupies during business hours. It is in the same room that the said John Robinson Hamilton had his office, and received his clients during the term of the provincial court at Percé, in 1834 and 1835. Of this I have a personal knowledge.

Friday, 20 November 1835.

Henry Bisset Johnston, esq., a Justice of the Peace for the Inferior District of Gaspé, residing at Point St. Peter, in the county of Gaspé, called in ; and being Interrogated, answered :

I HAVE known the Honourable John Gawler Thompson, as judge of His Majesty's provincial court for the inferior district of Gaspé, since the year 1827 to the present day. I was at Douglass Town, one of the places where the said provincial court is held, in the month of August 1827. I was only one or two days there during the term of the said court. The court had a singular appearance. The judge was in a state of intoxication in the morning, in the middle of the day, and in the evening. I was present one day during the sitting of the court, that day the judge had not had time to shave himself, and it was evident that he was labouring under the effects of the previous evening's dissipation. I do not think that he was then in a fit condition to hear and to decide the causes brought before the court. I only remained about half an hour in court ; but I had seen the judge immediately before the opening of the court, and I saw him after it rose, and at both these times he was in a state of intoxication. I understood from general rumours that the judge rendered a great many judgments during the abovementioned term of the said court. I was informed, also, that there was no court held at Percé in August 1827. I was at Paspébiac in the same year, when the judge went on board a vessel for the purpose of going to Percé to hold the court,

Correspondence
respecting
Mr. Thompson.

and I was again at the same place when he returned. He told me then that he had been prevented from holding the court at Percé by sea-sickness. The judge had taken his passage in the schooner of one Captain Poirrier, whose christian name I do not recollect. I did not know at the time what to make of the judge's assertion, but about an hour after I learnt from Captain Poirrier that the judge had gone on board of his schooner drunk, and that he had gone ashore in the same condition, and that during the passage he kept a supply of drink in his berth. It is the general report that the court did not sit during the Percé term in consequence of the intemperance of the judge. I now believe that the sea-sickness, the cause assigned by the judge, was not the true one, but that it was quite a different one, namely, intemperance. It appears from public rumour that the above-mentioned term of the court at Douglass Town was remarkable for the daily intoxication of the judge. In the same year, the judge stopped at my house at Point St. Peter, on his way from Douglass Town to Percé, after the term of the court at the former place. He was travelling in a barge. He asked me to give him a bottle of rum, which I did. He was then in a state of intoxication. He left me almost immediately, got into his barge, laid down in the bottom of it, and continued his journey. The distance between Point St. Peter and Percé is about seven miles. Since the year 1828 inclusively, I have had occasion to be present during the different terms of the said provincial court in the county of Gaspé, and I did not see the judge under the influence of drink, either during the sitting of the court or out of court. I speak more particularly with reference to the terms of Douglass Town, for I was not present perhaps more than two or three times at the Percé term during the above period. But the said judge is generally considered a drunkard up to this day. The judge is in the habit of leaving Douglass Town the day following the last day of the term. This occasions great inconvenience with respect to the issuing of writs of execution, as the parties thereby incur additional delay and expense. But I cannot be certain that the judge is to blame, because the clerk of the court usually leaves the same day, or about the same time, unless when there are general sessions of the peace held at Douglass Town, in which case the clerk remains there during the sessions, as he is the clerk of that court; but it rarely happens that they are held in that place.

Thursday, 26 November 1835.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

Mr. John Bissin, mariner, residing at Point St. Peter, in the county of Gaspé, called in; and being Interrogated, answered:

I HAVE resided at Point St. Peter since the month of October 1834. I have known the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the inferior district of Gaspé, since the month of November 1834. I was at Percé in the month of August last, during the sitting of the court, and I remained during the whole term, as I had business before the court. I have frequently seen the said judge during the term put on his gown and take it off in a room in the court-house, in which John Robinson Hamilton, esq. conducted his business as an advocate. I saw two bailiffs there, namely, Samuel Ray and John Day, who acted in their capacity of bailiffs, and were also employed as writers for the said John Robinson Hamilton, who also received his clients in the same room. I heard some say that it was the judge's room, others that it was Mr. Hamilton's; but it is a fact that I have seen both these gentlemen together in the same room during the above term. I also attended the term of Douglass Town, in the county of Gaspé, in the present year; and I was present at the sittings of the court during all the term, having business there which required my attendance. During all that time the judge and Mr. Hamilton boarded in the same house and lived together. I have seen them taking their meals at the same table. Mr. Wilkie, one of the prothonotaries of the said court, also boarded in the same house; that is to say, in the house of a man of the name of Briand, an inhabitant of Douglass Town. Messrs. Hamilton and Wilkie could have procured other lodgings in like manner as the other officers of the court. I cannot say whether the said judge was guilty of any acts of intemperance at the Percé term, in the month of August last, but I can say that it was the case at the term of Douglass Town in the month of August last. I recollect, about the middle of the last-mentioned term, seeing the judge, during the sitting of the court, staggering a good deal from the effects of intoxicating liquors. I have also had the same doubts at other sittings of the same term, but I cannot take upon myself to assert it positively. Several persons remarked in court and out of court, that the said judge was not worthy of continuing upon the bench, by reason of his drunkenness. The judge has the reputation of being incapable to discharge the functions of a judge, in consequence of his drunkenness. Public rumour says that the said judge is to this day negligent and inattentive in the execution of his judicial functions. During the two terms above mentioned, I have had occasion frequently to observe, during the sitting of the court, that the said judge showed a good deal of partiality towards Mr. Hamilton, permitting him to use offensive language to the witnesses and to the gentlemen of the bar; but the judge did not show the same indulgence to the other practitioners before the court. It is to my personal knowledge, and it is also a matter of public notoriety, that the said judge is partial to the said John Robinson Hamilton. I have heard Mr. Hamilton say himself, that he could gain four causes out of five in the said court,—that he would bet it; and he added, "you know that I scarcely lost a cause in the last terms of Percé and Douglass Town," alluding to the above-mentioned terms of the said court. It is a fact well known to the inhabitants of the county of Gaspé, that the said John Robinson Hamilton generally obtains judgment in favour of the parties for whom he occupies. From the conversations I have had with several inhabitants, and
according

according to common report, it appears that the inhabitants in the county of Gaspé have lost all confidence in the provincial court. I was present at St. Pierre when Mr. Hamilton arrived at the house of Captain William Alexander, who resides there. It was in the beginning of September last, as far as I can recollect. Captain Alexander asked him, "How does it happen, Mr. Hamilton, that I lost my cause against Andrew Rooney?" He answered, "It is the fault of your clerk, for if you had a clerk like Mr. Samuel Ray, I should not lose a single cause." This Mr. Samuel Ray is a bailiff of the said provincial court, and is the clerk or the man of business of Henry Bisset Johnston, esq., merchant at Point St. Peter. Mr. Hamilton on another occasion stated in my presence, and in the presence also of the said Samuel Ray, that the said Samuel Ray was a witness of his, who would state anything he (Hamilton) desired him, in the causes in which he was employed as advocate. And it is the general reputation of the said Samuel Ray, in Gaspé Bay and at Percé, that he is a witness of very doubtful character, to say nothing more. Mr. Hamilton is one of the practitioners in the said court, and is generally said to be the nephew of the said judge.

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Wednesday, 2 December 1835.

Mr. *Nicholas Allard*, heretofore of Carleton, in the county of Bonaventure, at present residing in Quebec, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the inferior district of Gaspé, since the year 1827. I was present at the term of the said court held at Carleton aforesaid in July 1832. I remained at Carleton during the whole of the said term, and I attended each day the then pretended sittings of the said court. The judge proceeded to the place where the court is held, that is to say, in a building erected upon the Carleton beach, where he opened the court, and adjourned it immediately. The judge usually sat at the head of the table in the court-room. I have seen him resting both his hands upon the table, trembling from head to foot, ordering the prothonotary of the court, Amasa Bebee, esq., to close several of the sittings of the said court immediately, alleging that he was afraid of the cholera. I also saw the aforesaid prothonotary, and the other officers of the said court, proceed on one of the sitting days of the said court to the house where the judge boarded; that is to say, in the house of Hilary Michaud, esq., of Carleton, in order to hold the court there. The people assembled there, and I was one of those who got into the room then occupied by the judge in that house. The judge was then sitting at a small table: the aforesaid prothonotary and the other officers of the court sat down at the same table. A few causes were called, but nothing more was done. This pretended sitting of the court lasted about 20 minutes. There was a good many people present, and several of them were politely turned out, on the plea that that was not the place where the court is usually held at Carleton aforesaid, but the private apartment of the judge. I can take upon myself to say, that during the whole of the said term the said judge was intoxicated at the opening of the court each day. This is my firm conviction, and it is also what the inhabitants of Carleton believed and stated publicly. There was a great deal of business before the court during the said term, but it was not proceeded upon, the court being merely opened for form sake, and then adjourned. There was no case of Asiatic cholera at Carleton that I am aware of, nor even in the district, in the year 1832. The general opinion at Carleton was, that the said judge was in a state of intoxication when he said that he could not hold the court in consequence of his dread of the Asiatic cholera, as he pretended. I observed at that time to several of the inhabitants, that if I were one of them I should send petitions to Quebec, complaining of the said judge, and praying for his removal; they answered that it was difficult for them to do so, by reason of their distance from Quebec. I have traded for a number of years back, along the coast of the inferior district of Gaspé, and I can say that the public in general accuse the judge of being too much addicted to the use of intoxicating liquors, and of being incapable of fulfilling his judicial functions, by reason, among other things, of his intemperance. The inhabitants have no confidence in the said court, and they generally say (to make use of their own expression) "it is not a court; it is a pigsty (*cochonnerie*);" and every one laughs at it. According to public rumour, and to my personal knowledge, the said judge is considered a drunkard to this day. It is to my knowledge that the said judge goes to hold the court at Carleton generally on the day before the term commences, and that he leaves on the last day of the term. Of this I have a knowledge, being almost always at Carleton during the term of the court, on my own business. Great inconvenience is occasioned in the despatch of business by this practice.

Saturday, 26 December 1835.

George Mellis Douglass, esq., Physician, at present residing in the city of Quebec, called in; and being Interrogated, answered:

I RESIDED in the county of Bonaventure, in the inferior district of Gaspé, from the fall of 1827 until the month of July 1833, when I left that place in order to reside in Quebec. I was at Gaspé Basin in the said inferior district about the 3d November last, and I was at Carlisle in the county of Bonaventure about the 19th or 20th of the same month, which place I left on the 21st. The court-house for the county of Bonaventure is situated in New Carlisle, and the Honourable John Gawler Thompson resides at Paspébiac, at a distance of about five miles from the court-house. I remained three days in New Carlisle, and started from thence for Quebec, where I arrived on the 15th instant, having come by the Métis road. When I

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arrived at New Carlisle, I was told by several persons that the said judge was accused before the House of Assembly by Joseph F. Deblois, esq., a member of the House. The evening before I left, I met the judge at New Carlisle, coming out of the house of John Robinson Hamilton, esq., advocate, and nephew of the judge. The day of my departure from that place, that is, on or about the 20th November last, I learnt that Captain Thomas Caldwell's schooner was in sight, and I delayed my departure in order to get news from Quebec. On the arrival of the schooner, John Wilkie, esq., one of the prothonotaries of the said court, came ashore on New Carlisle beach, where I spoke to him. Mr. Wilkie mentioned to me the accusation brought against the said judge, and informed me that he was the bearer of letters addressed to the judge on that subject. The said prothonotary having landed his baggage, he opened one of his trunks and gave me letters addressed to the judge, containing, as I presume, a summary of the charges brought against him. I delivered the said letters immediately to the judge in Mr. Hamilton's house in New Carlisle, where I met him. The judge opened one of the letters in my presence, and as he appeared to me very much affected, I thought it proper to withdraw. I do not know who wrote these letters; I suppose it was some one of his relations or friends. To the best of my recollection, Mr. Wilkie and the captain of the schooner informed me that they had had a passage of about eight days. I have known the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, since my arrival in the said district in the fall of 1827. Robert Sherar, esq., coroner of the said district, who came passenger in the said schooner, informed me that the judge had been accused by the said Joseph F. Deblois, esq., and he told me that he had heard that it was the intention to send several witnesses up, on behalf, as I understood, of the House of Assembly. I do not think that either Mr. Wilkie or Mr. Sherar entertained any feelings of hatred, vengeance or resentment towards the said judge. I myself have no cause of hatred, vengeance or resentment towards the said judge.

I attended the judge and his family professionally during my residence in the county of Bonaventure. I have been told by several persons since I left Carlisle, that the judge had been accused as above stated, that is, at Carleton, and more particularly at Ristigouche, in the province of New Brunswick, by John Montgomery, who told me that he had learnt at a dinner which was given him at Quebec by Hypolite Dubord, esq., member of Parliament, at which several other members of Parliament were present, that the said judge had been accused. The said John Montgomery was in Quebec in November last. To perform the journey by land between Carlisle and Quebec, at the time of the year in which I started, would require, I think, 20 days, that is, travelling comfortably. The judge requested me to send him a copy of the petition accusing him before the House of Assembly; this was in a conversation I had with him previously to the arrival of the schooner at New Carlisle. It is impossible for the judge to come to Quebec in winter, by the Metis road, because a man of his age, and weak state of health, is not able to travel with snow-shoes and sleep in the woods. It is doubtful whether the said judge could perform the journey by way of New Brunswick, because the roads are not always beaten for carriages, although there is a road open. I cannot say that this obstacle exists all the winter through, having performed the journey from New Carlisle only once, and that in the winter of 1833. I have no personal knowledge of the existence of this obstacle, having only heard of it during my journey in the year 1833, from persons residing at the Portage: but the said judge can come to Quebec by way of the state of Maine. I myself traced out the route he would have to follow in performing the journey that way; it can be performed with great ease and comfort. By passing through the United States, the journey from Paspebiac to Quebec can be performed in three or four weeks at the most, because there is a stage all the way through by which the traveller can come even to Pointe Lévi.

Monday, 4 January 1836.—ELZEAR BEDARD, Esquire, in the Chair.

Mr. Patrick Enright, heretofore of l'Ance du Cap, in the county of Gaspé, at present residing in the township of Sherrington, in the county of Acadie, Farmer, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé from the time he was appointed judge of the said inferior district. I was the holder of four promissory notes for 42 l. 9s. 4d. each, making altogether the sum of 169 l. 17s. 4d. These four notes had been made by Jacques Lamy of Paspebiac in the county of Bonaventure, in the said inferior district, farmer, trader and tavern-keeper, in favour of James Shannon, formerly of Hope Town, in the county of Bonaventure, in the said inferior district, and now of Ance du Cap aforesaid, in the county of Gaspé aforesaid. These notes had been so made by the said Jacques Lamy in favour of the said James Shannon, for and in consideration of a lot of land situate at Hope Town aforesaid, which the said James Shannon had sold to the said Jacques Lamy. The said notes had been indorsed to me by the said James Shannon, in part payment of a lot of land at Ance du Cap, which I sold him, and on which he now resides, having determined on leaving the district of Gaspé, and settling myself in the district of Montreal; which I did by becoming a resident in the said township of Sherrington. The said notes were payable at different times, but I cannot exactly remember at what times or dates. I went down to the inferior district of Gaspé in the month of July of the year 1834, to obtain payment of two of the said notes from the said Jacques Lamy, one of the notes becoming due in the month of August 1834. The first of them being then due, and having been so since the month of May in the said year 1834. The said Jacques Lamy pretending not to have the means of paying me, offered to procure

procure me payment of 140*l.* by a draft, which he would obtain from the Honourable John Gawler Thompson, payable at the Quebec bank at 90 days' sight, if I would return him the four notes aforesaid, of which I was the holder and owner. I accepted the offer of the said Jacques Lamy, and he gave me the judge's draft for 140*l.* currency, drawn on the Quebec bank at 90 days' sight, and I delivered up to the said Jacques Lamy the four notes aforesaid. I thus consented to lose the sum of 29*l.* 17*s.* 4*d.* for the sake of obtaining the money, of which I was in great need, and of avoiding the expense of travelling and a considerable loss of time, the distance from the said township of Sherrington to Paspebiac aforesaid being about 270 leagues. The said draft was subsequently protested for non-payment; the answer given was, that the said judge had no funds at his disposal in the said Quebec bank. The notary employed to make the protest was Mr. Campbell, of the lower town of Quebec. I went down to Paspebiac in August last, and went to the said honourable judge to demand payment of the said draft (so protested as aforesaid) for the sum of 140*l.* currency, and of the interest and the costs of the protest. I met the judge at his residence at Paspebiac aforesaid, on or about the 1st of September last. I represented to him the damages I had suffered, and the loss of time and expense which I was incurring. He replied, that if I applied to John Robinson Hamilton, esquire, advocate, (the nephew of the said judge) he would pay me the amount of my demand. Mrs. Thompson being present, told me that I had better have nothing to do with the said Mr. Hamilton, and that I should do better to keep the judge's draft. The said judge then made a sign with his head to his lady, and she said no more. The said judge repeated his offer, and pressed me to apply to the said Mr. Hamilton for payment of my demand. I did not know what to do; but the judge pressed me a third time to accept his offer, adding, "Mr. Hamilton will pay you the amount of your demand in cash, and I will give him my promissory note for a like sum." I withdrew with the intention of applying to Mr. Hamilton for what was lawfully due to me from the judge. I went to Mr. Hamilton's house, but was informed that he was not at home. I went again the following day (the 6th of September last), but was again unable to see him, as I was informed that he was not at home. I went again to Mr. Hamilton's on the 7th or the 8th of the same month, and met the judge in his carriage conversing with Mr. Hamilton. They were talking and appeared busy; they were at the corner of the house. I addressed myself first to the judge and entreated him to pay me. He then said, "Mr. Hamilton will settle this business directly, go with him." The judge then left me immediately, in great haste. I then spoke to Mr. Hamilton, who replied, repeating his words, "I am going to pay you, I am going to pay you." I understood that I was going to be paid immediately, and as it was near noon I withdrew, intending to return after dinner. I then went to the kitchen of the gaoler of the common gaol at New Carlisle, this building being very close to Mr. Hamilton's house, where I asked leave of the gaoler to light my pipe: he gave me leave, and when I was about to withdraw, he pressed me to sit down, in order, as he said, that we might have some conversation. Not suspecting anything, I accepted his offer, and about ten minutes afterwards, Martin Sheppard, esquire, sheriff of the inferior district of Gaspé, came into the gaoler's kitchen where I still was. The said sheriff appeared to me to be very gay and happy, and after having walked about the kitchen a little while, he came up to me, and laying his hand on my shoulder, said, "You are my prisoner." The said sheriff then addressing John McClellan, the gaoler aforesaid, said to him, "Take care of your prisoner." The sheriff then went out smiling. The gaoler then took me by the arm, and showed me into one of the rooms in the said gaol appropriated for the prisoners, saying, "That is your room, but during the day-time you will have the whole building and the yard for your prison." I remained a prisoner in the said gaol at New Carlisle, from the 7th or 8th of September last, until the 14th of the same month, on which day I was admitted to bail, during the sitting of the court, that being the day of the return of the writ of *capias ad respondendum*. I was so arrested at the suit of Peter Duval, of the island of Bonaventure, in the county of Gaspé, and of Amice Duval, of the island of Jersey, in Europe, (as having been formerly partners in business in the said island of Bonaventure, under the name and title of Peter Duval & Company,) for the sum of 12*l.* 15*s.* 9*d.* currency, as appears by the copy of the writ of *capias ad respondendum* certified by Martin Sheppard, esquire, sheriff of the said inferior district of Gaspé, the said writ having been issued on the affidavit of John Robinson Hamilton, esquire, the attorney of the plaintiffs in the said cause, who took upon himself, as attorney for the said plaintiffs, to swear that I was indebted to the said plaintiffs in the sum aforesaid of 12*l.* 15*s.* 9*d.* currency, which is false; for if the said Peter Duval & Company gave me credit for what I have delivered to them, they would owe me a balance. I now produce a copy of the said writ, and of the declaration in this cause, served on me by the said Martin Sheppard, esquire, sheriff of the inferior district of Gaspé, at the time I was arrested. Having been heard by my attorney, J. F. Deblois, esq. advocate, I was set at liberty, and the action dismissed with costs; but I do not know on what grounds. After having been set at liberty, I instructed my attorney to take communication of the affidavit of the said John Robinson Hamilton, esquire, the attorney of the plaintiffs, and also their attorney and advocate in the cause aforesaid. The said J. F. Deblois, esquire, advocate, my attorney, afterwards informed me that it was impossible for him to obtain communication of the said affidavit, or to procure a copy thereof certified by the prothonotaries of the provincial court of the inferior district of Gaspé, because, as he was informed by John Wilkie, esquire, one of the prothonotaries of the said court, the said affidavit was in the possession of the said John Robinson Hamilton, esquire, advocate, and not in the possession of the said prothonotaries. I went to the residence of Peter Duval, one of the plaintiffs in the cause aforesaid, in the island of Bonaventure, to ask him to

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furnish me with the account which the said firm might have against me. This gentleman gave me the bill of particulars which I now produce, and told me that it was the only claim which the firm had against me. I ought to inform the committee that I never dealt with Peter John Duval, but that the greater part of the articles mentioned in the said bill of particulars were bought by me from the firm of Peter Duval & Company, and not from Peter John Duval. The account is signed by Peter Duval, tutor, who is the same person as Peter Duval, partner of Amice Duval, the plaintiffs in the cause above mentioned. By the account aforesaid, it would appear that I only owed the sum of 11 *l.* 0*s.* 3*d.* currency. I ought to repeat, that if credit were given to me for all that I have given in payment for the goods for which I am debited, and if the overcharges in the prices, and the price of certain articles which I never purchased, were deducted from the debit side of the account, Peter Duval & Company, or Peter John Duval, or Peter Duval, tutor, would owe me a balance. It was on the 26th day of September last that I was at the house of the said Peter Duval, in the island of Bonaventure aforesaid, in the county of Gaspé aforesaid, when and where he likewise told me that he had never instructed the said John Robinson Hamilton, esquire, advocate, to sue me; that the said advocate had done so entirely of his own accord, and that he (the said Duval) considered the said Hamilton as the only person responsible; that he meant to pay no costs. The said Duval further told me that he could not himself prove the delivery of the articles entered to my debit in the said account which I have produced to the Committee, because the said articles had been sold by the clerks of Peter Duval & Company, which clerks were then in Europe; and that as for himself, the said Peter Duval, he had no knowledge whatever of this transaction. He strongly disapproved of the conduct of the said John Robinson Hamilton towards me, and assured me that he (the said Duval) had taken no part in the business, and that he was going to write to his said attorney for the purpose of preventing similar suits against his debtors in future. During the time I was detained in the common gaol at New Carlisle aforesaid, for the cause aforesaid, John Robinson Hamilton, esquire, advocate, came to see me on several occasions, and proposed to me,—First, That I should pay to the plaintiffs in the said cause, the sum of 12 *l.* 15*s.* 9*d.* currency, with interest. Secondly, That I should pay him the said John Robinson Hamilton, esquire, advocate, the amount of his costs and disbursements in the said cause; that he would then pay me in cash the amount of the balance which might be due to me out of the draft for 140 *l.* currency, made in my favour by his uncle the Honourable John Gawler Thompson, the judge aforesaid: he added, that he would account to me for the interest and the costs of protest. I rejected these offers, which he made to me several times during my imprisonment. I told him that I intended to contest the suit, because I considered it unjust, to which he replied, laughing, that it would not be easy for me to get rid of that business, and that it was my interest to accept the offer he made me. John McCellan, the gaoler aforesaid, privately held the same language to me; but I gave a refusal on every occasion, having made up my mind to contest the suit, which I considered unjust and oppressive. After I was set at liberty as I have before stated, I went immediately to the residence of the judge at Paspébiac, for the purpose of again demanding payment of what he owed me. I had scarcely entered the room in which the judge was sitting with his lady, when the latter said, “Ah! ah! Mr. Enright, you would not follow my advice; I told you not to go to Mr. Hamilton; if you had kept away from New Carlisle you would not have been in gaol.” I replied that I was not aware of the danger, and did not know that I was watched for. The judge was present, but said nothing to me. I then spoke to the judge and said that I believed it would be better for me to make him a present of what he owed me, rather than be obliged to travel so far and so often, incurring great expenses, neglecting my business and ruining my family, and getting myself imprisoned into the bargain without receiving what was due to me: I ended by saying that I now hoped to receive my money. The judge then said, “Go back to Quebec, the warrants have been issued long since, and you will receive your money without delay.” He then paid me some money on account of the interest due to me; I think it was 8 *l.*, but the judge has my receipt. This is all that I have received from him up to the present time. I have received from a Mr. Gibb about 36 *l.*, and about 3 *l.* from Mr. Racey, the judge’s brother-in-law. I drew for the said sums on Mr. Freer, the cashier of the Quebec bank, who I believe accepted the drafts. Mr. Freer is in possession of the draft for 140 *l.* made in my favour by the said judge. I have been obliged to receive goods from Mr. Gibb to the amount of 36 *l.* or thereabouts, not being able to get my money. When I consider the journeys I have made to try to obtain my money, the privations to which I have been subjected, my loss of time, the damages I have suffered by being absent from home, my imprisonment, and the troubles which it occasioned me, I can safely say that if I had to go through the whole over again, I would rather lose the sum that was due to me. Last week I asked Mr. Freer for payment of what was owing to me, and he said, “Don’t tease me, you have teased me too much already.” I was informed by the wife of the said Jacques Lamy, that when the said judge gave the draft for 140 *l.* in my favour, he received a like sum from the said Jacques Lamy in cash; so that the said judge has been using my money; the said Jacques Lamy has gained a considerable sum; and I alone have borne the loss. The said judge occupies one of the houses of the said Jacques Lamy. It is notorious that the said judge and the said Jacques Lamy have many dealings together. The common report is, that when the said Jacques Lamy has any causes in court, judgment is commonly given in his favour, which makes many people believe that there is very little chance of succeeding in any cause where the said Jacques Lamy is on the opposite side. This has been remarked ever since the judge has been the tenant of the said Jacques Lamy. I have never been out of

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Lower Canada since I came to America, except twice or three times, when I went by water to the province of New Brunswick, and this was about fourteen years ago. I then lived at Hope Town, in the said county of Bonaventure. I went on some little business which I had in the province of New Brunswick. I have been sixteen years a resident in Lower Canada. It is my firm conviction that I was imprisoned in the said common gaol at New Carlisle, under the pretext aforesaid, merely for the purpose of preventing me from speedily recovering the money which the said judge owed and still owes me. Before, during, and after my imprisonment in the said gaol at New Carlisle, as hereinbefore more amply mentioned, I was altogether destitute of resources: my old acquaintances furnished me with the means of subsistence. The money I received from the said judge served to carry me home. When I was imprisoned as before stated, I sincerely believe that if I had not been advised and encouraged, I should have given way to my grief so far, as rather to have died than remained in gaol. I was also unwell before I was arrested. I had not the means of paying an advocate to defend me; but I was defended, and have not yet paid a single farthing for want of the means. I am persuaded that one of the motives which induced the bail to come forward at the time of the return of the *capias ad respondendum* to procure my liberty, was the assurance they received from my advocate that they ran no risk in becoming bail for me; and I think that had it not been for this, I could not have found bail. The result of the vexations I have endured in consequence of the non-payment of the judge's draft is, that my wife is now in service, my two children boarded among my neighbours, and I myself am at Quebec without the means of subsistence. I can conscientiously say that what I have stated above has not been from motives of hatred to the judge, but solely because I wish the truth to be known. I ought to avow that I hope to obtain justice. Before I was arrested at the pretended suit of Peter Duval & Company, I had said to the said judge, that if I insisted so strongly upon being paid what was due to me, it was because I was anxious to return to the district of Montreal to join my family, who were then in great want; and that if I did not receive the said sum I should be ruined, as I now am. I know that the district of Montreal is in Lower Canada. I went from Sherrington to Paspébiac in the summer of 1834, at which time I received the judge's draft. I returned to Paspébiac last summer to obtain payment of the protested draft of the said judge; and I made another journey from Sherrington to Quebec in 1834, to get the said draft protested; making in all 1,220 leagues which I have travelled about this unfortunate business, without reckoning my present journey, which will be 140 leagues by the time I get home, making altogether 1,360 leagues. I reckon 200 leagues from Quebec to Paspébiac; several masters of schooners in the said inferior district of Gaspé having told me that was the distance.

Monday, 11 January 1836.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

M. Germain Durand, of Ristigouche, in the county of Bonaventure, Merchant, called in; and being Interrogated, answered:

I HAVE resided at Ristigouche aforesaid, for five years past, and have been perfectly well acquainted with the Honourable John Gawler Thompson, as judge of the provincial court of the inferior district of Gaspé, for several years. I left Ristigouche aforesaid on the 28th of December last, and arrived at Quebec on the 7th instant, coming by the Metis road. The distance from Paspébiac to Ristigouche is about 26 leagues. On or about the 10th of December last, I received by post, at my house, one of the numbers of the newspaper, called "Le Canadien," being number 84, and published at Quebec, on the 23d of November last, in which paper is published, at full length, the petition of Joseph F. Deblois, esq., advocate, accusing the Honourable John Gawler Thompson of high crimes and misdemeanors, as more particularly set forth in the said petition, published in the said number of "Le Canadien" aforesaid. Two days afterwards I was at Carleton, and on the following day the people spoke openly of the said accusation. I was at the house of Frederick Bijeau, of Carleton, where about 20 of the inhabitants of the place were present; they said that the said petitioner had done well to accuse the said judge, who was unworthy to sit on the bench. From what I learnt at different places, it appeared that the said accusations were known at Carleton before I arrived there. I met Mr. Armstrong and his lady proceeding to the county of Bonaventure by the Metis road; they were then about nine leagues from Ristigouche. I reside at Ristigouche, at a distance from the courts of law, and I have no personal knowledge of what passes in the said courts, having never attended any sitting of the provincial court, and having little occasion to communicate with the inhabitants of the inferior district of Gaspé, my trade being confined to the several localities in the neighbourhood of the mission of Ristigouche, which is at the mouth of the Ristigouche River; I may say above the said river.

Saturday, 16 January 1836.—ELZEAR BEDARD, Esq., in the Chair.

Edouard Thibaudeau, Esq., a Member of the House, called in; and being Interrogated, answered:

I ARRIVED in the district of Gaspé in the spring of the year 1828, for the purpose of practising there as an advocate and attorney. I have resided there ever since that time, with the exception of the intervals when my duties, as representative of the county of Bonaventure, have called me to Quebec. I have known the Honourable John Gawler Thompson during the whole of that time, as judge of the provincial court of the inferior district of Gaspé.

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

creditor

creditor is able to obtain a writ of *saisie* before judgment. He must in the first place go to the said judge to take the oath required by law, in order to obtain the fiat for issuing such writ. He has then to come to the prothonotary's office, where he obtains his writ. He must then go back to the judge to get him to sign the writ; and he has then to return to New Carlisle to put it into the hands of the sheriff of the district; so that a creditor who has perhaps already come 10, 15 or 20 leagues, to get to his attorney at New Carlisle, has afterwards to make a journey of 20 miles more to obtain his writ. The attorneys also experience great difficulties with regard to the business they have to transact at the judge's chambers, as in the taxation of costs, the suing out of writs of execution, the appointment of tutors, the proving of marriages, baptisms and burials, probates of wills, and other business commonly done at chambers before the said judge; and this in consequence of the negligence of the said judge, who attends very rarely at chambers, and who, when he comes there, only remains a few minutes, and frequently comes before or after the hour he may have previously appointed.

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George Mellis Douglass, Esq., again called in; and being Interrogated, answered:

ON or about the 19th December last, at the request of Henry O'Hara, esq., of Gaspé Basin, in the inferior district of Gaspé, I went to the residence of Amasa Bebee, esq., one of the prothonotaries of His Majesty's provincial court for the inferior district of Gaspé, and being there I asked the said prothonotary to let me have a copy of the record in the case of Henry O'Hara, plaintiff, against Pierre Duval *et al.* defendants, No. 713, in which cause the said Henry O'Hara had appealed to the Court of King's Bench for the district of Quebec, from the judgment rendered in the said cause in His Majesty's provincial court for the district of Gaspé. The said prothonotary informed me that he had given the copy of the said record to the Honourable John Gawler Thompson, judge of the inferior district of Gaspé, who had it in his possession. He wrote to the said judge to request him to give me the papers I asked for; the judge answered that they were in the possession of John Robinson Hamilton, esq., advocate, the attorney for the defendants in the cause above mentioned. The said judge himself told me the same thing. I went to the house of the said John Robinson Hamilton, esquire, who acknowledged that he had the said papers, but refused to let me have them, saying, 1st, that the said copy was incorrect; 2dly, that the appellant had not paid the prothonotary what the latter was entitled to for the cost of the said copy of the record. Not thinking these reasons sufficient, I withdrew and gave instructions to Martin Sheppard, esq., notary-public, to protest against the said prothonotaries for all cost and damages sustained or to be sustained by the plaintiff in the said cause by reason of the non-transmission of the copy of the record in the cause above mentioned to the court of King's Bench at Quebec in due time. I have just learned from Edouard Thibaudeau, esq., advocate, that the papers in question are now in the post-office at Quebec, but I have no personal knowledge thereof. I know that the said judge occupies a house at Paspébiac, the said house being the property of Jacques Lamy. I have heard that he had a good bargain of it.

Tuesday, 19 January 1836.

Mr. Pierre Tivierge, of Quebec, Mariner, called in; and being Interrogated, answered:

FOR more than 10 years I have been master of a vessel, and I have been for the greater part of the time employed between the port of Quebec and the county of Gaspé. I know the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé. I have for the greater part of the time aforesaid been engaged in a barter trade in the county of Gaspé and along the coast thereof, and I have consequently frequently visited the principal localities in the county, and particularly those where the fishing is chiefly carried on. I am able to say that the common report is, that the said judge is addicted to the use of intoxicating liquors, in consequence of which the inhabitants of the said district have no confidence in the said court. They laugh and make a jest of it. I have been in the habit of going at different times into the court out of curiosity, and have myself witnessed the little respect which the inhabitants have for this tribunal. I have in this manner attended at the sittings of the said court at different times, both during the term at Percé and that at Douglass Town, from the year 1828 up to the term at Douglass Town last year. It is a fact that the inhabitants of the said county have no confidence whatever in the said court, because they say that the judge evinces partiality for John Robinson Hamilton, esq., one of the advocates practising in the said court, and nephew of the said judge. It appeared to me also at different times during the sittings of the court, that the said judge is partial towards his said nephew. From the year 1828 up to the last term at Douglass Town, as above mentioned, I have at different times remarked at the several terms of the said court, that there was something singular about the person of the said judge during the sittings of the court; but I cannot say exactly what was the cause of this. I can only say, that at the last term of the said court at Douglass Town, I saw the said judge drunk upon the bench while the court was sitting, one day during the said term; but I cannot remember precisely on which day. I think it was towards the end of the last term at Douglass Town.

How did you perceive the partiality of the judge in favour of his nephew; state the facts?—
In a cause where one Taylor was defendant, and one Basin plaintiff, it appeared to me,

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from what I personally knew of the business, that Basin ought to have gained his cause ; but I did not hear all the evidence given.

Thursday, 21 January 1836.

Mr. *Etienne Lebreux*, of St. Thomas, in the county of l'Islet, joiner, called in ;
and being Interrogated, answered :

I HAVE known the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé, since the month of June in the year 1827, at which time the judge arrived at Paspébiac, in the county of Bonaventure, in the said inferior district, to replace the Honourable Alexis Caron, provincial judge of the said district, who died at Paspébiac in the winter of the same year. I lived at Percé, in the county of Gaspé, in the said inferior district, from the spring of the year 1826 to the fall of the year 1829, and I have regularly gone to Percé aforesaid every spring, since the year 1834 inclusively. I did so for the purpose of fishing for cod in the spring and fall, so that I remained at Percé during the years aforesaid, from the 10th or 12th of May until the 10th or 15th of October on the average, after which time I returned to St. Thomas, my usual place of residence. In the year 1833, however, I passed the winter at Percé. I was also employed by Jacques Lamy of Paspébiac aforesaid, as a joiner, from the 10th of September 1830, or thereabouts, to the 10th of May, or thereabouts, of the year 1831, at which time I returned to Percé to fish, as I have stated above. I was employed by the said Jacques Lamy during the whole of the said time, in constructing a house built by him at Paspébiac. The said judge occupies the said house, and it was built for his use, according to what the said Jacques Lamy told me, as did also the said judge himself, who came frequently to give us directions about dividing it, which we followed, with the approbation of the said Jacques Lamy. We were several workmen employed in building the said house. The said judge came regularly several times a day to give us his orders, and I must confess that I have frequently heard him talk nonsense, and repeat over and over what he had told us (which amused the workmen very much) in consequence of his immoderate use of intoxicating liquors. I did not see the judge drink on these occasions ; but it is my intimate conviction that he was drunk. I have seen the said judge sober, and he certainly did not talk nonsense then, nor did he repeat his words over and over as he did when he was under the influence of intoxicating liquors. One time among others, (it was in March 1831), during the term of the court at New Carlisle, the said judge asked me to drive him to the said court, and I did so, as he appeared to me to be in a state of intoxication. I asked him when he got to New Carlisle, whether the court was going to sit, and remarked that I intended to return. He replied, you may go back ; I do not think there will be any court to-day. He then got out of the carriage, walking tolerably well. I went into the room in which the court is held in the said court-house at New Carlisle, and after having waited some time, I went into the judge's room to ask him whether there would be any sitting of the court. The said judge then said to me, " You may go back, I am pretty sure there will be no court to-day." He got up, but could not stand, in consequence of the quantity of spirituous liquors he had taken. I then left the judge and went back to Paspébiac. He got there himself almost as soon as I did, that is to say, about half an hour afterwards. He was then in a state of intoxication, and threw up what he had taken, at the side of his own house. I remember a conversation I had with the said judge relative to a certain action, in which the said Jacques Lamy was plaintiff, and François Dugué, commonly called François Jean Marie, was defendant, both being resident at Paspébiac aforesaid. As far as I can remember, this action was brought for verbal defamation ; it was about term-time in the year 1831. I asked the judge what he thought of this business, saying, that for my part I thought that François Dugué was not in the wrong, according to what Jacques Lamy, plaintiff, himself acknowledged. The said judge at first said to me, " I do not know who will win." But he afterwards said, " You know the said François Dugué, he is a man who does harm in the place, you know that he is a mischievous man, and even if he was in the right, the law must be against him." I do not mean to say that those were the very words used by the judge, but they contain the substance of what he said to me. The common report is, that the judge is a drunkard ; and such was the common belief from the time of my arrival in the said district, until I left Percé in the fall of 1834. According to my own knowledge of the matter, the inhabitants of the county of Gaspé, and of a part of the county of Bonaventure where I have lived, have not confidence in the said judge ; he is generally laughed at and ridiculed. The house of the said Jacques Lamy, in which the judge lives, is a large and handsome house ; it is rented to the said judge at 60*l.* I remember that when the lease was made, it was calculated that the said Jacques Lamy was to give the judge more than 40*l.* worth of articles, while he was only to get 60*l.* a year for the use and occupation of his said house, and that the said Lamy would not therefore receive nearly the legal interest of his money, because a house, such as that was, must have cost the said Lamy from 700*l.* to 800*l.* I have heard that the distance from the place where the judge lives, to the court-house at New Carlisle, is six miles ; it may be less. When I was in the employment of the said Jacques Lamy, the said judge bought every thing he wanted from him. There were a great many transactions between them, with the nature of which I am unacquainted. The said Jacques Lamy had at that time a number of actions pending in the provincial court. I have no hatred or animosity against the said judge, having never had any transaction with him ; on the contrary, he was a very good man to me.

Mr. *Louis Boulet*, of the parish of St. Thomas, in the county of L'Islet, Mariner, called; and being Interrogated, answered:

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I HAVE been in the habit of coasting along the shore of the inferior district of Gaspé since the year 1830. It is to my knowledge that the common report is, that the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, passes for a drunkard, and is reputed such. I know this from numerous conversations which I have had at different times with the inhabitants of the several localities of the said inferior district. I can say that the inhabitants there have no confidence in the said judge. I have frequently had occasion to remark that the said judge was laughed at and ridiculed; on one occasion, among others, at Douglass Town, in the county of Gaspé, in the said inferior district, at the term of the said court in the month of August last, I observed, while the court was sitting, that the said judge was drunk on the bench, as I was convinced. I could not help remarking it, as did also many other persons who were present at the sitting, of the said court. I do not remember the exact day, but it was about the end of the term of the said court above mentioned. It is also to my knowledge that the common report is, that the judge shows great partiality to his nephew John Robinson Hamilton, esq., one of the advocates practising at the said provincial court. When a suitor loses his cause, he generally regrets that he did not employ the said John Robinson Hamilton, who is generally reputed to gain all his causes, no matter what they are. I know the said Honourable John Gawler Thompson, as judge of the said inferior district. In the month of August last, particularly, I had conversations with many of the inhabitants of Douglass Town aforesaid, who told me that they had frequently seen the said judge drunk on the bench while the court was sitting, at several terms of the said court held at Douglass Town.

Mr. *André Dominique*, of the parish of St. Thomas, in the county of L'Islet, Mariner, called in; and being Interrogated, answered:

SINCE the year 1830 I have been in the habit of coasting along the shore of the inferior district of Gaspé, and it is to my knowledge that, according to the common report, the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, passes for a drunkard, and is reputed such. I know this from numerous conversations I have had at different times with the inhabitants of the several localities of the said inferior district. I can say that the inhabitants thereof have no confidence in the said judge. I have often had occasion to observe that he was laughed at, and turned into ridicule. On one occasion, among others, that is, at Douglass Town, in the county of Gaspé, in the said inferior district, at the term of the court held in August last at Douglass Town, I saw the said judge, as I am convinced, drunk on the bench while the court was sitting. I could not help remarking this, as did also many others present in court. I do not remember the exact date, but it was about the end of the said term of the said court. It is also to my knowledge that the common report is that the said judge shows great partiality in favour of his nephew John Robinson Hamilton, esq., one of the advocates practising at the said provincial court. When a suitor loses his cause, he is generally sorry that he did not employ the said John Robinson Hamilton, who is commonly reputed to gain all his causes, be they what they may. I know the said Honourable John Gawler Thompson, as judge of the said inferior district. In the month of August last, in particular, I had conversations with many of the inhabitants of Douglass Town aforesaid, who told me that they had often seen the judge drunk on the bench while the court was sitting, at many of the terms of the said court held at Douglass Town.

Saturday, 23 January 1836.

Mr. *John Green*, of Paspebiac, in the county of Bonaventure, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson, as judge of His Majesty's provincial court for the inferior district of Gaspé, ever since his arrival at Paspebiac aforesaid, in the spring of the year 1827, at which time the said judge came to Paspebiac to replace the Honourable Alexis Caron, also judge of the said inferior district, who died at Paspebiac aforesaid in the winter of the same year. I lived at Paspebiac during 15 years consecutively, and left it in the spring of the year 1833, since which time I have been employed in different parts of the district of Quebec, and of the said inferior district. From the time of the appointment of the said Honourable Alexis Caron as judge of the said inferior district, until his decease, I lived with him as his cook, after his death I became a trader in the said inferior district of Gaspé; I have since taken up my former profession again. According to the common report, the said Mr. Justice Thompson is reputed to be a drunkard, and I know him myself as such. In the month of August, at Percé, during the term in the year 1827, and at the beginning of the said term, being then on board the schooner of Charles Poirrier, one Mr. Money, then known by the name of Doctor Money, asked me, on behalf of the said judge, to give him two bottles of Cognac, which I did, telling him at the same time that I had goods to sell, but not to give away, but that I did not wish to disoblige the said judge. He then went ashore with the two bottles of Cognac. I followed him a short time afterwards, and went to pay my compliments to the judge where he was living, which was at the house of one Edmund Fleen; I found the said judge thoroughly drunk. When he saw me,

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he got up, and said to me, weeping, I am very glad to see a man that I know. He added, I feel very lonely without my family and my wife; I am going to return home because I am home-sick; he used the English word "home-sick," and added, I am going to pack up my things and go back with you, which he did that very evening; for he embarked on board the schooner "La Reine," of which the said Captain Poirrier was master. I helped the said judge to pack up all his things, and to get on board the said schooner. We weighed anchor some time afterwards, and started for Paspébiac, where the judge lived. In this way he left the court, and all the officers at Percé in the said year, and this during the term of the court, so that there was no term of the court at Percé during the said year. We took three nights and three days to get to Paspébiac, in consequence of contrary winds. At last we arrived at Paspébiac; we put the said judge ashore, and I went to conduct him to his house in the night-time, in order that his arrival might not be remarked by the inhabitants. The judge was thoroughly drunk when he came on board the schooner, as aforesaid; he was in the same state throughout the whole passage; went ashore as he came on board, that is to say, thoroughly drunk; and I left him in the same state at his own house. It was at my expense that the said judge was drinking during the whole voyage, and he also broke me a good many glasses and other articles, of which he had need in the state he was then in; I must beg the committee to excuse my calling these articles by their names. When I was about to leave the said judge at his house at Paspébiac, he said to me, I have given you a great deal of trouble, you have taken care of me well, and I shall recompense you liberally; but I have never received anything from him, nor is it my intention to require any remuneration for such services, which I rendered him out of pity; but I did mean to be paid for my goods, for which I have never yet received anything. I sent in my account for the articles which the said judge had broken as aforesaid, and for the liquor he had drunk during the voyage; but I have always been put off, and have not yet been paid. I know many other instances of drunkenness on the part of the said judge, but I consider them to relate to his private life. I remember, however, one instance among others, during the March term, in the year next after his arrival as judge in the said district of Gaspé; the said judge had just come from Paspébiac to attend the court. It was at the door of the court-house at New Carlisle; the judge took me aside and said, "Can you get me something? go and fetch it." I went accordingly and bought half a pint of rum, the judge having given me half a dollar. I went immediately into the judge's room, in the said court-house at New Carlisle, where I gave him the half pint of rum; he drank it nearly all up at one draught, and gave me the bottle back. I drank the rest, and the judge went into court and sat on the bench. I have frequently seen the judge shaking from head to foot in the morning, in consequence of the intoxicating liquors he had taken the day before. He was then obliged to take several glasses of strong liquor, after which he was able to write and begin to transact business. The quantity he requires for this purpose is from five to six glasses. I have not been in the habit of attending frequently at the sittings of the said court, so that I cannot enter into greater details than I have done. I have no hatred or animosity against the judge. He promised me himself last spring that he would pay me the sum of 5*l.*, which he considered as a compensation for what he owed me for the articles and services which I have more particularly mentioned in the course of my examination.

Tuesday, 26 January 1836.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

Noah Freer, Esq., Cashier of the Quebec Bank, called in; and, being Interrogated, answered:

ON the 8th of July 1834, Mr. P. Enright presented at the Quebec bank a check of Judge Thompson, in favour of Enright, for 140*l.* currency, bearing date Paspébiac the 18th June 1834, and payable on the 10th October following, which check the said Enright lodged in the bank for collection on his account, and the amount to be placed to his credit when due, provided there were sufficient funds at the credit of Judge Thompson to meet it. P. Enright returned to Quebec, and called at the bank on the 11th October 1834, to inquire after his check, when I explained to him that the warrants for the salary due to Judge Thompson not having been issued, I had not the means of paying the amount of the check, nor could I say when the warrants would be issued; but I had no doubt his demand would be eventually paid, as there was a considerable sum due to Judge Thompson for salary, and I held his power of attorney to receive it when the warrants were issued. Upon this P. Enright demanded the return of his check, which was given up to him, and he said he would have it protested by a notary for nonpayment, which he did, as will appear by the copy of the check and protest annexed, marked No. 1. Some days after this, about the 15th or 16th of November 1834, P. Enright returned to the bank, and again lodged with me for collection the original check for 140*l.*, and the protest for nonpayment, and stated to me that, upon the credit of the check in question, he had been negotiating the purchase of some articles of groceries with Messrs. James Gibb & Co., which he could get to take with him to Sherrington, provided I would give a conditional acceptance for the amount, about 35*l.* To this arrangement for the accommodation of Enright I consented, and gave a conditional acceptance to Messrs. James Gibb & Co. accordingly, and lodged in the bank a memorandum explanatory of the circumstance, a copy of which I annex, No. 2. In the autumn of last year, 1835, Dr. Racey called at the bank, and lodged P. Enright's receipt for 10*l.*, to be collected on his account, by deducting it from the amount coming to the said Enright, and of which receipt No. 3 annexed is a copy. The following statement will show the balance that

that will be due to P. Enright when I possess the means of bringing Judge Thompson's check to account :

	£.	s.	d.
Check in favour of P. Enright - - - - -	140	10	-
To be deducted,			
Acceptance in favour of Gibb & Co. - - - - -	£. 85	10	-
Check to Jno. Racey - - - - -	3	-	-
Receipt given to Dr. Racey - - - - -	10	-	-
		48	10
Balance coming to Enright - - - - -	£.	92	-

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Quebec, 26 January 1836.

Noah Freer.

Friday, 29 January 1836.

James Ferguson Winter, Esq., late Sheriff of the Inferior District of Gaspé, and heretofore residing at Paspébiac, in the County of Bonaventure, and now at Quebec, called in; and, being Interrogated, answered :

I RESIDED at Paspébiac aforesaid, from the beginning of May 1815 until the 4th November 1832, at which time I left it to come to Quebec to arrange my affairs, as sheriff of the said district and as a trader. I was engaged in trade before my appointment as sheriff, and during the time I was in office. I have known the Honourable John Gawler Thompson, as judge of the inferior district of Gaspé, since the month of June 1827, at which time he arrived at Paspébiac aforesaid, as successor to the late Honourable Alexis Caron, provincial judge of the inferior district of Gaspé, who died at Paspébiac in the winter of 1827. I went, as sheriff as aforesaid, to Carleton, to attend the term held there in July 1827. During the term, and while the court was sitting, I saw the judge drunk upon the bench several times, that is to say, two or three times; but during the whole of the said term the said judge, without being positively drunk, was in such a state, from the immoderate use of intoxicating liquors, as to be incapable of performing his judicial duties either in court or out of the court. Several times, during the said term, I saw the said judge in a state of intoxication before and after the sittings of the court. Towards the middle of the said term I was called upon to execute certain writs of *saisie arrêt simple* against John Cullen & Co., defendants; I only remember the name of one Charles Poirrier, plaintiff in one of the cases. Before my departure from Carleton I stopped at the house where the judge boarded, he having asked me to take charge of a letter for his lady; this was about the middle of the said term, about eight o'clock in the evening. I asked to see the said judge, who came out of his bed-room absolutely drunk. When he saw me he said, "Why, Mr. Sheriff, you are starting very early this morning!" I observed that it was eight o'clock in the evening; he replied, "I had forgotten the hour;" he then gave me the letter, and I withdrew. I was present at the term held at Percé in the month of August in the same year, and only reached that place on the evening of the first day of the term, in consequence of contrary winds, having taken the precaution of forwarding my returns by a duly authorized deputy, so as to have them there for the first day of the term. I went, some time before the opening of the sitting on the second day of the term, to the house of Edmund Flynn at Percé, where the said judge was boarding, and where the court was then held. I went to visit the judge before 10 o'clock in the morning, and I found him in a state of absolute drunkenness, saying that he was extremely sick, and proposing to leave the court and return to Paspébiac. The said judge was sick beyond all doubt, but it was in consequence of the immoderate use of intoxicating liquors; he drank Cognac in my presence by glasses full. On the following day, which was the third of the said term, the judge did in fact leave Percé, and return to Paspébiac, a distance of about 22 leagues by sea, the said judge having taken his passage on board the schooner "La Reine," of which Charles Poirrier then was and still is master. There was no sitting of the court on the second and third day of the said court, for the reason abovementioned, nor on any of the subsequent days, in consequence of the absence of the said judge. I was, in like manner, at Douglass Town in the month of August in the same year, during the term of the court at that place. During the whole of the said term the said judge was constantly drunk before, during and after the sittings of the court, on every day during the said term. During the Carleton term aforesaid there were a certain number of causes, and very little done. At the Percé term nothing at all was done, although there was a great deal of business before the court at the said term; and, finally, at the Douglass Town term several judgments were rendered by the judge while the court was sitting; for, at the said term at Douglass Town, the said judge sat almost every day, though he was in the state abovementioned. At the term at Douglass Town aforesaid, and at several sittings of the said court, I saw the said judge preside in the court in an extremely indecent state. The misconduct of the said judge, at the three terms aforesaid, caused losses and damages to His Majesty's subjects which I consider to have been considerable. At the term of the said court, held at New Carlisle in September of the same year, the said judge was almost constantly, not as drunk as during the three preceding terms, but in a state which rendered him, beyond all doubt, incapable of properly performing his judicial duties; I mean that the said judge was in that state during the sittings of the said court, in consequence of the immoderate use of intoxicating liquors. The reason of this difference was, that at the said terms at Carleton, Percé and Douglass Town, the said judge was alone,

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alone, and that at the said term in September he had his lady with him, to prevent him from giving way so publicly to the immoderate use of intoxicating liquors. At the time of the said court held at New Carlisle, in March of the year 1828, I saw the said judge very often, almost every day, not in a state of absolute drunkenness, but in such a state as to be incapable of performing his judicial duties. I speak of the conduct of the said judge in court during the greater part of the sittings of the said court, at the said term held in March last mentioned. From the term held in March 1828 to the term held in September 1832, the conduct of the said judge on the bench, during the sittings of the court in the inferior district of Gaspé, was the same during the several terms of the said provincial court, held during the said space of time as that previously held by the said judge during the said March term of the year 1828. I except the July term at Carleton in the year 1832, when I was represented by a deputy, at which term the lady of the said judge did not accompany him. According to common fame, public report, and what my deputy told me, the said judge was drunk during the whole of the said July term, from the first day to the last; the said judge was even unable to sit during several days of the said term. On the 4th of November 1832, according to the orders of the civil secretary for the time being, I left the inferior district of Gaspé to come to Quebec, a journey which I performed partly by land and partly by sea; I have remained at Quebec from December of the same year until the present day. Since my departure from the said inferior district of Gaspé in the year aforesaid, the common report has been, that the intemperate conduct of the said judge has been, and is to the present day, the same as that which I have mentioned above. There were no cases of cholera in the district of Gaspé in the year 1832. The inconveniences which I have pointed out, as arising from the intemperate conduct of the said judge, are not the only ones to which the inhabitants of the district of Gaspé are exposed. It is to my knowledge that the said judge, during my residence in the district, was in the habit of going to the several places in which the courts are held in the said inferior district of Gaspé, so as almost always to arrive there the evening before the opening of the court, and of going away again immediately after the last sitting of the court, much to the prejudice of the interests of the inhabitants of the several localities in which the said courts are held, both with regard to the issuing of writs of *saisie* before judgment, and of writs of execution after judgment, inconveniences which it would always have been easy to avoid, if the said judge had always reached the said places a few days before, and left them a few days after the holding of the said courts. It is also to my knowledge that the said judge absented himself several times from the said district to go to Quebec, in the spring of almost every year during his residence in the district of Gaspé, whereby great damage has generally been occasioned to persons who were under the necessity of suing out writs of *saisie* before judgment. I can point out among others the case of William Carter, plaintiff, against Timothy Lefforgie, defendant. In this cause the plaintiff had obtained a writ of *saisie arrêt simple*, returnable before the provincial court of the inferior district of Gaspé. It was my duty to execute this writ in my quality of sheriff of the said inferior district. I went to execute the writ, but the defendant shut the door of his house, or caused it to be shut, and I could not consequently seize the goods and chattels of the said defendant. The judge had then left Paspébiac for Quebec; this was in the spring of the year 1828. I could not break open the doors of my own authority, and I applied to the attorney of the plaintiff, who could not give me a writ to authorize me to break open the defendant's door, on account of the judge's absence. On the 6th of May in the same year, the schooner, on board which the said judge was, came back to anchor again at Paspébiac, in consequence of contrary winds. The plaintiff's attorney then went on board the schooner in which the judge was, to obtain the writ to authorize me to force the door of the defendant's house. A second writ to take the body of the defendant had been placed in my hands by the said attorney; but the second writ could not be executed any more than the first, the defendant having then carried away or disposed of his moveables, and having even left the district of Gaspé. The plaintiff got off by losing his recourse and paying the costs. With regard to the inconvenience which has arisen from the precipitate departure of the judge after the circuit courts, I will state the following facts: Robert Ferguson, of the province of New Brunswick, came to Carleton in the year 1828, for the purpose of suing out of said provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel M'Kay and James M'Kay, and a writ of *saisie arrêt en mains tierces* in the hands of Andrew Deans and Hugh Aitken, merchants in partnership at Ristigouche, in the inferior district of Gaspé, for a sum (as far as I can recollect) of 600*l.* or 700*l.*, the action being returnable before the Court of King's Bench for the district of Quebec. Edouard Thibaudeau, esq., advocate and attorney, applied to the said judge on the last day of the term at Carleton, in the year 1828, on the day of the last sitting of the court, to get the said Robert Ferguson sworn, and to obtain from the said judge his fiat for a writ of *saisie arrêt*. It was between nine and ten in the morning when the said Robert Ferguson went to find the said judge to get sworn. The said judge was on the point of starting, and refused to swear the said Robert Ferguson, alleging that he, the said judge, had no authority to issue writs like this. He promised to delay his departure. We went to fetch the statutes, and on our return the said judge was already under sail. We called and made signs to him to come back to land: he was then at a little distance from the shore, and could not help seeing and knowing us, nevertheless he continued his voyage and left us there. The said Robert Ferguson was then obliged to follow the said judge to Paspébiac, where he employed the ministry of Joseph F. Deblois, esq., advocate, to obtain the *fiats* for the writs above mentioned, (Edouard Thibaudeau, esq., being then gone to attend the court at Percé). The said Robert Ferguson at last obtained the said writs, but the defendants had left the district of Gaspé, carrying with them their goods and effects, and the Garnishées had

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had exported the timber belonging to the defendants, which had been in their possession. The said Robert Ferguson ended by losing his debt, and paying the costs incurred. The distance from the residence of the said Robert Ferguson to Paspébiac is about 30 leagues. There is another case which I shall now cite:—Germain Dionne, now deceased, in his lifetime residing in the neighbourhood of the place called "Little Gaspé," came to Douglass Town in the month of August, in the year 1828, for the purpose of obtaining a writ of *saisie revendication* against certain timber to him belonging, and then in the possession of William Pickford. This was also on the last day of the term of the said court at Douglass Town aforesaid. The said judge refused to stop an instant, telling the said Germain Dionne to follow him to Percé, where he would grant him the writ. The said judge immediately left Douglass Town for Percé. Germain Dionne followed him the same night, and when he got to Percé the said judge had left it again for Paspébiac. The said Germain Dionne then went home, for the purpose of preparing for the voyage to Paspébiac. The distance from Percé to Dionne's residence is about 10 leagues, so that the said plaintiff travelled 20 leagues to obtain nothing, while his property was all the while in jeopardy, because the said judge would not give the said Dionne half an hour's delay. The said Germain Dionne having determined to make the voyage to Paspébiac, went there in November of the same year, but could not obtain the writ of *revendication* from the said judge, until four or five days after his arrival at Paspébiac. He then left Paspébiac to go home, carrying with him the documents necessary to seize his property in *revendication*. He had with him the original writ and the copy thereof, together with the declarations, and also the warrant authorizing Samuel Ray to execute the said writ. Germain Dionne and a man in his employ, who was with him in his boat, were unhappily lost in a storm opposite Grande Riviere, in the county of Gaspé, while they were on their way home. I have never since seen the papers which had been delivered to him. Dionne's representatives lost their recourse against William Pickford, who left the inferior district of Gaspé in the fall of the same year for Europe: he is since dead, as far as I can learn. From the house where the said Dionne lived to Paspébiac, the distance is about 32 leagues by sea. Great inconvenience also arises in the dispatch of business, from the said judge's living at Paspébiac, a distance of about five miles from the town of New Carlisle, where the court-house and prothonotary's office of the said provincial court are situate. In cases of *saisie arrêt* or *capias ad respondendum*, or other writs, the debtors have time, before the creditor can obtain the *fiat* of the judge, to make away with their property, or to get into the province of New Brunswick by crossing the Bay of Chaleurs. It is only with great difficulty that a creditor can succeed in obtaining such writs. He must, in the first place, go to the said judge to take the oath required by law, in order to obtain the judge's *fiat* for the writ, he then goes to the prothonotary's office and obtains his writ; he has then to return to the house of the said judge to get his signature to the said writ, and then comes back to New Carlisle to place it in the hands of the sheriff of the district aforesaid; so that a creditor who has perhaps come 10, 15 or 20 leagues to his attorney at New Carlisle, is under the necessity of travelling 20 miles further in order to obtain his writ. If this happens in the spring or in the fall, when the roads are bad, it takes him a considerable time thus to obtain his just legal right. During the time that I was sheriff of the said inferior district, I encountered great difficulties with regard to the business which I had to transact with the said judge in chambers (as, for instance, the taxing of my bills, and other matters), in consequence of the negligence of the said judge, who attends very rarely at chambers, and who, when he comes there, remains only a few minutes, and comes very frequently before or after the hour he has appointed in a previous interview. The attorneys and other officers of the said court have, to my knowledge, had the same trouble, whereby all the parties suffer detriment. It is also to my personal knowledge as having been sheriff of the said district, that the said judge, in consequence of his drunkenness during the vacations between the terms of the said provincial court, from the year 1827 to the 4th of November 1832, was, in an infinity of cases, an absolute obstacle to the despatch of business, and that great damage was sustained by the public in consequence. The said judge has for many years occupied the house of one Jacques Lamy at Paspébiac aforesaid, which was built expressly for the said judge. It is a large and handsome house, and cost from 800*l.* to 900*l.*; but if the dependencies and appurtenances be taken into account, it has cost at least 1,200*l.* The whole is let to the judge at the rate of 60*l.* a year. But the said Jacques Lamy is bound to furnish the said judge in agricultural produce, land and work to the value of at least 50*l.* a year, so that the said judge is lodged for the very moderate sum of 10*l.* a year. The said Jacques Lamy has doubtless lost much by this bargain, and the said judge has been a considerable gainer, and, in my opinion, this is one reason why the said judge lives so far from New Carlisle. From the residence of the said judge to the court-house at New Carlisle, the distance is about five miles. The said judge might procure a commodious house near the court-house, at a moderate rent, if he wished to do so. I believe that if the said Jacques Lamy loses money on the rent of the said house, he gains considerably by the judgments which are given in his favour in the said provincial court, in causes to which he is a party, or in which at least he is one of the parties interested. What I say on this head is from common report; but the several advocates and attorneys of the said court could, I think, establish these facts of partiality and injustice on the part of the said judge. It is also to my knowledge that there are many transactions and a commercial interest between the said judge and the said Jacques Lamy, tending to the profit of the latter. I know these facts from the conversations I have had with the said Jacques Lamy, but I do not remember what the particular kind of business or speculation was.

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The petition of Duncan Hay, the Act of Notoriety, and the Act of Curatelle being exhibited to the witness, he answered as follows: This is a case which I call illegal, vexatious and unjust, to the knowledge of the said judge. The case was this: Duncan Hay, trader and tavern-keeper, formerly of New Carlisle, and now of Caraquet, in the province of New Brunswick, presented a petition to the said judge on behalf of my creditors, for the purpose of getting a curator appointed to me, alleging that I had been absent from the province since the 1st September 1833, and falsely stating that my then place of residence was unknown; the said Duncan Hay concluded by praying that a curator should be appointed to me, because I was an absentee. The said petition is signed by the said Duncan Hay, the petitioner. I recognize the signature to be really his; and the said petition is in the handwriting of John Robinson Hamilton, esq., advocate, the nephew of the said judge. It will be seen by the order indorsed on the said petition, dated at Paspebiac, the 18th February 1835, signed by the said judge in his judicial capacity, that my friends were summoned to appear before the said judge at the court-house at New Carlisle, on Tuesday the 19th of February then instant, and now past, at 11 o'clock in the forenoon, for the purpose of naming a curator to me. In support of the said petition there is a certain document, intitled an Act of Notoriety. This document appears to be a certified copy of a similar original act passed by Robert Caldwell, justice of the peace at New Carlisle aforesaid. By this copy so certified, I find that the pretended Act of Notoriety was passed by Robert Caldwell, justice and witness, on the 18th February in the year 1835, and that it appears by it, that Daniel Marrett, carpenter, and his father John Marrett, labourer, both of New Carlisle aforesaid, stated and detailed, 1st, that they were acquainted with me; and, 2dly, that I had left the inferior district of Gaspé, about 18 months before the passing of that Act, and that I had subsequently left the province of Lower Canada. The said John Marrett and Daniel Marrett who did not fear to make assertions so false, are persons who have a great spite against me. The witness, François Langlois, is one of the servants and fishermen of the commercial house of Robin & Company at Paspebiac, which has for nearly 20 years unceasingly persecuted me, and sought to do me harm. By the Act of Curatelle, made and executed at the prothonotary's office of the said provincial court of the inferior district of Gaspé, on the 19th of February in the year 1835, I see that Robert Sherar, esq., coroner of the inferior district of Gaspé, was legally elected curator to James Ferguson Winter, an absentee, sheriff of the said inferior district of Gaspé, who is the same person with myself, the deponent. On running over the names of my pretended friends who have signed the Act of Curatelle above mentioned, I remark the names of John Hardeley, agent of the said commercial house of Charles Robin & Company; John Day, one of the intimate friends of the said house; Thomas D. Munro, who is devoted to the said house, all well disposed to do me harm whenever they could find an opportunity; Daniel Marrett, who is the same of whom I have spoken above; John McClellan, the gaoler at New Carlisle, one of my calumniators when I was sheriff of the said district, and who is under the influence of the said judge; John Robinson Hamilton, esq., advocate, who is the nephew of the said judge, and has on several occasions testified publicly his hatred and resentment against me; R. William Fitton, student at law, clerk to the said John Robinson Hamilton, who, moreover, gives himself out to be a physician and surgeon, and practises as such in the said inferior district, under the auspices of the said judge; and finally Robert Sherar, my present curator, who entertains an implacable and avowed hatred for me in consequence of some lawsuits I had with him some years ago. All that I have said with regard to the persons called to make the said election is true; and all is within my personal knowledge, except what regards R. William Fitton, which I have learned from individuals of whose veracity I have not the least doubt. The signatures to the Act of Curatelle above mentioned, viz. John McClellan, John Hardeley, John Day, Daniel Marrett, Thomas B. Munro, John R. Hamilton, and Robert Sherar, are the real signatures of those individuals, and the signature John G. Thompson, provincial judge, at the foot of the said Act of Curatelle, is the real signature of the said judge. It is to the knowledge of the said judge, as it is to mine, that all the said individuals are his friends, and that they are my enemies; I except R. William Fitton, whom I do not know, and who I believe scarcely knows me. For the information of the committee I must state that I have creditors, but they reside within the city of Quebec; I have none but debtors in the inferior district of Gaspé, with the exception of some individuals. A short time after the election of the said Robert Sherar, as curator to the absentee James Ferguson Winter, who is myself, the said Robert Sherar went to my house at Paspebiac, where speaking to John Whittom, junior, he called upon him to deliver up to him all my account books, and threatened him with the judge's authority in case of refusal, alleging that he was then invested with the right to collect debts due to me, and to regulate my affairs, and that for this purpose he was going to employ John Robinson Hamilton, esquire, the nephew of the said judge. My agent refused this demand. The said Robert Sherar and John Robinson Hamilton returned several times to the charge, sometimes employing promises and sometimes threats; but my agent remained firm, and the matter dropped there. I learned these last facts from the said John Whittom, junior, himself, who related them to me last fall, when he was at Quebec. I have never been absent from Quebec since I left the inferior district of Gaspé, and in proof of this I now file seven affidavits of divers individuals. The said judge could not and cannot be ignorant that I have a place of residence at Paspebiac, two miles from his own house: this is a fact of public notoriety. My intimate conviction is, that if my agent had allowed himself to be frightened or corrupted by the said Robert Sherar and John Robinson Hamilton, esq., advocate, the consequence would have been that all my debtors, the greater part of whom are insolvent, would have

been sued, and that the few good debts which it may be possible for me to recover, by giving long delay, would have been consumed in costs, to the profit of the said John Robinson Hamilton, esq., advocate, while the loss on my part would have been total. I calculate that this speculation, for it was nothing else, would have been worth some hundreds of pounds to the said John Robinson Hamilton, esq., advocate, in fees, costs and disbursements; and would have certainly led to the ruin of a number of inhabitants of the inferior district of Gaspé, where money is very scarce. I have very considerable claims against a number of individuals in the said inferior district of Gaspé, having entered into large speculations there as a trader; unluckily for me these speculations have turned out badly. The said John Robinson Hamilton, esq., advocate, the nephew of the said judge, practised as an advocate in the said inferior district of Gaspé, in the year 1830, and, having been elected a member of Parliament, he left off practising in the provincial court: this is to my personal knowledge. In the month of August, of the year 1834, he again came to settle in the said inferior district of Gaspé, for the purpose of there following his profession as an advocate and attorney in the said provincial court. He now resides at New Carlisle, in the county of Bonaventure, in the district aforesaid. I know these last facts from a number of persons, who have informed me of them.

Tuesday, 2 February 1836.

Joseph François Deblois, Esq., a Member of the Committee, being Interrogated,
answered:

I HAVE known the Honourable John Gawler Thompson, as judge of the inferior district of Gaspé, ever since his arrival at Paspébiac aforesaid, in the spring of the year 1827, at which time the said judge arrived at Paspébiac aforesaid, as successor to the Honourable Alexis Caron, provincial judge of the district aforesaid, who died in the winter of the year 1827. I went to the inferior district of Gaspé towards the end of August, in the year 1826, to practise in the said provincial court in my capacity of advocate and attorney. I have resided there ever since, with the exception of two intervals, when my duties as representative of the county of Bonaventure called me to Quebec. The common belief and public report is, that the said Honourable John Gawler Thompson is addicted to the immoderate use of intoxicating liquors to the present day. This opinion is but too true; for, from the arrival of the said judge at Paspébiac aforesaid, in the year before mentioned, until I left New Carlisle aforesaid, in October last, to come to Quebec, the conduct of the said judge was, to my personal knowledge, that of a drunkard. At the Carleton term, in the month of July 1827, I frequently saw the said judge drunk on the bench while the court was sitting; and I am able to say, that at those sittings of the court at which I cannot affirm that he was drunk, the said judge was certainly incapable of performing his judicial duties at such sittings, in consequence of the effect of intoxicating liquors. At the Percé term, in August of the said year, the said judge came there some days previously, for the purpose of holding the said court. He remained there in a constant state of drunkenness until the first day of the term of the said court. About an hour before the opening of the sitting of the court on the first day of the said term, I went to the said judge on business, in hopes of finding him sober, but I found him drunk. The first sitting of the court was opened about 10 o'clock in the morning, and the said judge was drunk upon the bench. Some causes were called on, and the sitting was closed after it had lasted about 15 minutes. On the second day of the said term, the judge being still drunk, the sitting of the court was opened, and (as far as I can recollect) closed again immediately without anything being done. On the third day there was no sitting of the court, in consequence of the drunken state of the said judge, who left the court the same afternoon to return to Paspébiac, which is about 22 leagues distant from Percé by sea. At Douglass Town term, in the same year, said judge was almost constantly drunk before, during and after the sittings of the said court, at the said term. I except three or four sittings at which the said judge, though not drunk while the court was sitting, was beyond all doubt incapable of deciding on the merits or demerits of the causes which came from time to time before the said court, and this in consequence of the immoderate use of intoxicating liquors. During the said year 1827, at the terms of the court above-mentioned, there were (that is, at the Carleton term) a certain number of actions in which some judgments were given. At the said term at Percé there was a great deal of business, and nothing was done. At the term at Douglass Town there was likewise a great deal of business, and a certain number of judgments were rendered. Almost the whole of these causes were *ex parte*. I was only employed in a few causes which were continued till next year. I except a few causes at the inferior term of the said year. The said judge had gone the circuit alone. In September of the same year, at the superior and inferior terms of the said court held at New Carlisle, the intemperance of the said judge was not manifested in so public a manner. I saw him, however, several times drunk while the court was sitting at the said terms; and a number of times in such a state as to make me doubt whether he was capable of administering justice to the parties. I ought to state that I saw him sober several times during the said terms, both inferior and superior, held at New Carlisle; but he was then unable even to sign his name, and was obliged to retire for some moments during the sittings of the said court, into a little room which is called the judge's, where he made use of a small bottle of spirituous liquor which he brought with him. I myself saw him drink once or twice during the said time, but I several times saw the little bottle empty after the sitting, the said judge having probably forgotten to take it away with him. There was much business at the terms of the court last mentioned. The inhabitants of the inferior district of Gaspé doubtless sustained much injury in consequence of the drunkenness

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of the said judge in the year 1827. At the term of the said court held at New Carlisle in March 1828, I likewise saw the said judge several times drunk on the bench while the court was sitting. On a great many occasions I remarked that the said judge, without being drunk, was nevertheless under the influence of spirituous liquors, which made me very much doubt whether he was capable of acquitting himself of his judicial duties. I also saw him sober during the said term, but very rarely, and frequently shaking from head to foot, and almost unable while in that state to sign his name. At several of the sittings at the said term I saw the judge have something in his great coat pocket, very much like a common bottle in shape. I did not see him drink during the said term in March 1828 in the room at the court-house; but my duty having called me into the said room after the sittings of the court, I frequently remarked a smell of rum which prevailed in the said room, and made me always believe that the said judge did, during the said March term, make use of intoxicating liquors almost on the very bench. At the July term at Carleton, in the year 1828, I saw the said judge on the bench, while the court was sitting, frequently under the influence of intoxicating liquors, without being absolutely drunk; but I still think that he was, at certain of the said sittings, incapable of doing justice fairly to the suitors of the court. From the said term at Carleton in the year 1828, to the March term in the year 1832 inclusively, the conduct of the said judge on the bench, in the said inferior district of Gaspé, was very nearly the same at the several terms of the said provincial court held during that time, and that which he had held at the July term of the year 1828. I saw him, however, drunk on the bench while the court was sitting during that period, but not often. I attribute the difference in the conduct of the said judge at the circuit courts during the said space of time to his having been accompanied and watched over by a person whom the most sacred ties have attached to him, and who must have used her ascendancy over him for his good, as to my knowledge she has done: I speak of the lady of the said judge. At the July term at Carleton in 1832, the said judge travelling alone that year, was almost constantly drunk before, during and after the sittings of the said court, during the whole of the said term at Carleton in the year 1832. I except two or three sittings of the said court, during which the said judge, without being positively drunk, was unfit to attend to his business in consequence of his immoderate use of intoxicating liquors. There were a great many causes before the court, and I was myself concerned in many; a portion of these causes could not be decided in consequence of the judge's drunkenness, to the great detriment of the parties interested. I think that conduct of this kind is calculated to create distrust and to inspire contempt for the administration of justice. From the year 1832, until I left the district of Gaspé to come to Quebec last fall, I had occasion to meet the Honourable John Gawler Thompson during the holding of the several terms of the said court in the inferior district of Gaspé, as well as during the vacations, and without being able to say that I often saw him in a state of drunkenness, although during the said time I saw him several times drunk on the bench, I can say, that I saw him frequently, while the court was sitting, in a state very closely bordering on drunkenness. I have likewise seen him during that time, both in court and at chambers, under the influence of strong liquors, and in such a state as to induce me to believe that he was not in a state to decide on the business which I had to bring before him. This conviction has frequently led me to put off till another day business which the said judge might have completed at once if I had thought it prudent to submit it to him in the state in which I then found him. I mean to speak of business to be done in court, as well as that at chambers during the vacations. I frequently during the said time, and at different intervals, saw the said judge in such a state as to be almost unable to sign his name in consequence of his intemperance. I must except the term at Carleton in July of the year 1831, where the conduct of the said judge, during the sittings of the court, out of court and at chambers, was distinguished by frequent traits of drunkenness. When I speak of the common report, I mean to say that the common report has been, since the spring of the year 1827, and is up to the present day, that the said judge is a drunkard. I ought to state that I was not at the terms at Percé and Douglass Town in the year 1834, so that the matters to which I have deposed, and which form part of my deposition, and which are within my personal knowledge, are not applicable to the said terms last above-mentioned: but common report, and the conversations I have had since with respectable inhabitants of the said two last-mentioned places, lead me to believe that the conduct of the judge at the Percé and Douglass Town terms in the year 1834, was similar to that which I have amply described above. I can safely state that the intemperance of the said judge is one of the principal causes why the inhabitants of the said inferior district have ceased to have any confidence in the said judge of the said provincial court. The dangers and inconveniences which I have pointed out as arising from the conduct of the said judge are not the only ones to which the inhabitants of the said inferior district are exposed. It is to my knowledge that the said judge is in the habit of going to the several places in which the courts of law are held in the said inferior district, so as almost always to arrive there on the evening before the opening of the court, and to go away again immediately after the last sitting, much to the prejudice of the interests of the inhabitants of the several localities in which the said courts are held, and also to the interest of the inhabitants of the district in general, as relates to the issuing of writs of summons, of writs of *saisie* before judgment, and of writs of execution after judgment. These inconveniences are very serious when we consider the duration of the terms of the said court at the circuits, which is only 10 days, both for suits under 10 *l.* currency and those for a larger sum, under 100 *l.* currency. Very considerable delay, and frequently heavy costs, result from this practice. This deplorable state of things might be remedied if the said judge would go to the several places some days before, and not leave until some days after, the terms of the said courts. I shall cite some

cases:—

cases:—Robert Ferguson, esq., of the province of New Brunswick, employed Edouard Thibaudeau, esq., advocate, at the Carleton term, in the year 1828, to sue out of the said provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel M'Kay and James M'Kay, and also a writ of *saisie arrêt en mains tierces* in the hands of Andrew Dean and Hugh Aitken, merchants in partnership at Ristigouche, in the district of Gaspé, for the sum of between 600*l.* and 700*l.*; as far as I can recollect the sum much exceeded 600*l.* The action was to be returnable before the Court of King's Bench for the district of Quebec. It was on the last day of the sitting of the term at Carleton last mentioned. The said judge refused his fiat, and thus prevented the issuing of the said writs. He was then on the point of starting, and replied that he had no power to cause writs like that to be issued; he then left the place for Paspébiac. I know these facts, firstly, from the statements made to me by the said Robert Ferguson and by the judge himself; and secondly, because I was of counsel in the case. I advised the said Robert Ferguson to follow the said judge to Paspébiac, where he would certainly obtain what he wanted. I obtained the fiat at Paspébiac aforesaid, after I had convinced the judge that he was in error, and the writs of *saisie* were consequently issued. Edouard Thibaudeau, esq., advocate, had then set off for Percé. The said writs were delivered to James Ferguson Winter, esq., then sheriff of the said inferior district. It was too late, however, for the defendants had left the said inferior district in a small vessel laden with their merchandize and effects, and I do not know what became of them; and the timber which had been in the hands of the garnishees in the cause was already shipped, or within the province of New Brunswick. Robert Ferguson told me repeatedly that he left off by paying the costs and losing his debt. From the residence of the said Robert Ferguson to Paspébiac, the distance is about 30 leagues. There is another case among others, which I shall cite. Germain Dionne, now deceased, in his lifetime of the neighbourhood of the place called Little Gaspé, came to Douglas Town in the month of August 1828, to obtain a writ of *saisie revendication*, to seize certain timber to him belonging, and then in the possession of one William Pickford. This also was on the last day of the said court, at the said term at Douglas Town. The said judge refused to wait an instant, telling the said Germain Dionne, in my presence, to follow him to Percé, where he would grant him the writ. I represented to the said judge, that the said Germain Dionne ran the risk of losing his recourse, because the said William Pickford was very shortly to leave the province of Lower Canada for Europe; and that the said Germain Dionne would be subject to great expense and loss of time by making the said journey, as he was then engaged in trading along the coast. The said judge would not listen to me, and immediately left Douglas Town for Percé. Germain Dionne followed him in the night to Percé, according to the advice I gave him; but when he reached Percé the said judge had left it for Paspébiac. The said Germain Dionne again returned to Douglas Town, where he found me at the house where I boarded, and when I learnt that he had made the journey to no purpose, I advised him to go home and get ready for the voyage to Paspébiac as quick as he could, for he told me at the time that he would rather lose his timber than lose his debts along the shore, by not collecting the fish which was due to him. He added, that he was going to use all possible speed, in order, if possible, to avoid either of the said losses. He then started for his own residence. I, myself, left Douglas Town the following morning, to go home. Germain Dionne came to my residence at New Carlisle in the beginning of November in the same year; it was in the night. I immediately drew up his affidavit, and delivered it to him, urging him to go the next morning early to get the fiat from the judge. He found it impossible to see the judge the whole of the next day; the answers he received were, that he could not see the judge that day. I then gave the said Germain Dionne the original and copy of the declaration in the said cause, and encouraged him to go back to the said judge, to whom I wrote a letter, by which I informed him of the nature of the action, and the claims of the plaintiff; I also represented to him the necessity there was that the writs above mentioned should be issued without delay. The said Germain Dionne left my letter and all the papers at the house of the said judge, but could not see him on this second day. He came to me a third time (and this was on the third day), and repeated what he had before told me. He begged of me to come to Paspébiac, which I did. I went to the judge's house, and made it my first object to ascertain whether he was at home, not knowing what to think of this delay. I then asked to speak to him, stating that I had urgent business with him. I was then asked to come in, and a few moments afterwards, the said judge appeared. I apologized as far as I could, and represented to him that the said Germain Dionne was exposed to the loss of his just rights, because the said William Pickford was ready to put to sea on the departure of the said Germain Dionne; that the said Germain Dionne ran the risk of not being able to go to Quebec, to dispose of his fish, because the season of the navigation was very far advanced; that the said Germain Dionne had likewise incurred great expense in leaving home to come to Paspébiac in a boat at a season of the year when it was beyond doubt very dangerous to take such long voyages along the coast, and that he was anxious to take advantage of the fine weather which had prevailed for some days past, to return home; that his claim did not exceed the jurisdiction of the said provincial court (I believe the sum in question was 200*l.*, as far as I can recollect); and I added, that I was going to read the affidavit and the declaration of the said Germain Dionne, and that he (the said judge) would be convinced that the affair was one of mere ordinary occurrence. I read the said documents, and the judge immediately granted the fiat, after having sworn the said Germain Dionne, telling me that if he had known what the business was, he would have granted the fiat long before; and on my remarking that I had written him a letter, which he must have received, he acknowledged that he had received it, as well as the affidavit and declarations of the said Germain

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Dionne, the plaintiff in the said cause. I ought to state in this place, that the state in which I found the judge was not a state of drunkenness, but that he was still under the influence of intoxicating liquors, in consequence of the excesses of the preceding days: this was evident. The said Germain Dionne could not get away before the day after this interview, because he could not before that time obtain the writ from the other officers. He at length appeared, bringing with him the necessary documents for revindicating his rights. The said Germain Dionne and a man in his employ perished on the night following their departure from Paspébiac, in a storm which arose suddenly. The boat and the body of Germain Dionne were found opposite the Grand Rivière, about 16 leagues from Paspébiac; the body of Dionne's man was never found, to my knowledge. The defendant (Pickford) went away to Europe on board his vessel in the fall of the same year. The latter is also since deceased, as far as I can learn. I have not since heard anything of the writs and declarations in the said cause, of which the said Dionne was the bearer. The distance from the house of the said late Germain Dionne to Paspébiac is about 32 leagues. It is also to my knowledge that the said judge has frequently absented himself from the said inferior district for the purpose of going to Quebec at the opening of the navigation in the spring, much to the detriment of the persons who may have had occasion to sue out writs of *saisie* before judgment. I may cite the case of William Carter, plaintiff, against Timothy Lefforgie, defendant, No. 375. This action was brought in the provincial court on the 19th of April 1828, and was returnable at Carleton on Tuesday, the 1st day of July in the same year. The action was for the sum of 29*l.* 17*s.* 5*d.* The writ was issued on the 3d of May in the same year. The plaintiff had commenced his action by process of attachment (*saisie arrêt simple*); James Ferguson Winter, then sheriff of the said inferior district, was unable to execute the said writ of attachment, the defendant having forcibly resisted the execution of the same; this was on the 5th of May in the year aforesaid, according to the return made by the said sheriff. The judge started that day from Paspébiac for Quebec. On the 6th of May of the same year, the schooner in which the judge had embarked returned to the anchorage at Paspébiac, in consequence of contrary winds. It was on this day that the judge granted his fiat to take the body of the said Timothy Lefforgie, saying that he had no authority to cause the doors of the defendant's house to be broken open, in order to execute the said writ of *saisie arrêt*. I went myself on board of the schooner in which the judge was, in order to obtain authority to break open the door of the house, but to no purpose. The *capias*, which I never would sign as attorney for the plaintiff, was never executed, nor was the writ of *saisie arrêt*. The service of the declaration, with the process of attachment, was effected nevertheless through a pane of glass in a window in the defendant's house, speaking to a person shut up in the house. The defendant, by means of these delays, carried off or disposed of his effects, and left the district of Gaspé. The plaintiff was obliged to pay the costs, besides losing the amount of his demand; for although judgment was rendered in favour of the plaintiff, it was impossible for him to put it into execution, in consequence of the absence of the defendant from the province of Lower Canada. The costs amounted to a large sum, judging only by the amount of the sheriff's bill of costs, which was taxed by the said judge at 16*l.* 16*s.* 3*d.* There arises also a great deal of inconvenience with regard to the despatch of business, by reason of the residence of the said judge at Paspébiac, a distance of about five miles from the town of New Carlisle, where the court-house and the office of the said provincial court are situated. In cases of *capias ad respondendum* or of *saisie arrêt simple*, or other writs of attachment before judgment, before the creditor can obtain the fiat of the judge, debtors have time either to secure their effects or to escape to the province of New Brunswick, by crossing the bay of Chaleurs, which is easily accomplished between the spring and fall. It is nevertheless only with considerable difficulty that a creditor can succeed in obtaining a fiat for an attachment before judgment: he is obliged, in the first place, to go to the judge's house to take the oath required by law, to obtain the fiat of the judge for the issuing of the writ; he next goes to the prothonotary's office to procure the writ; he is then obliged to return to the judge to procure his signature to the writ, and afterwards to return to New Carlisle, to place it in the hands of the sheriff of the said district; so that a creditor, after travelling, perhaps, a distance of 10, 15, and 20 leagues to get to his attorney at New Carlisle, is obliged afterwards to travel 20 miles more to obtain his writ. The attorneys also meet with a great deal of difficulty in the business which they have to transact at chambers, as, for instance, in taxing bills, suing out writs of execution, in the appointment of tutors, in the proof of marriages, probate of wills, and other business which is generally done at chambers before the said judge. These difficulties are occasioned as well by the negligence as by the intemperance of the said judge, who very seldom attends at chambers, and who, when he does attend, only remains there a few minutes. He often goes there before or after the hour appointed by himself at a preceding interview. I have frequently been obliged to remain from 10 o'clock in the morning until three in the afternoon, when the judge would send me a note, informing me that he would come on some future day, and this when the day and hour had been fixed by the judge himself. I have also often seen the said judge walking about in the town of New Carlisle, paying visits to his intimate friends, such as the Reverend Mr. Doolittle, minister of the church of England, Duncan Hay, merchant and tavern-keeper (during the time he resided at New Carlisle), and others of his friends in the said town, and then return to Paspébiac, without coming near the court-house, when he must have been aware that the attorneys and advocates were waiting for him on business, since he had himself chosen the day and appointed the hour. The consequence of all this delay has been and still is, that the issuing of writs and the dispatch of other business has been suspended, and that, in order

order to proceed to business, I have been obliged very often to repair to the residence of the judge at Paspébiac, and other gentlemen of the profession have found themselves in the same predicament. The judge has occupied for several years past a house belonging to Jacques Lamy, which was built for the said judge. It is a large and handsome house, which cost from 800*l.* to 900*l.*, independently of the out-houses and of the additions thereto, which must have cost a considerable sum. The whole is leased to the judge at the rate of 60 *l.* per annum; but the said Jacques Lamy is obliged to furnish the judge agricultural produce and work to the amount of at least 50 *l.*; so that the said judge really pays only the moderate sum of 10 *l.* per annum for his lodging. In several conversations which I have had with the said Jacques Lamy (for I know the man very well), he has often told me that the said house might be called Jacques Lamy's Folly, inasmuch as the rent was insufficient to pay the cost of the minor repairs; but he gave me as a reason, that the said judge was a good customer of his, in consequence of the goods, articles and agricultural produce which he bought from him (Lamy); "besides," added he, "it is a good thing to have the judge for your friend." Private interest is, in my opinion, the sole cause of the said judge's residing at such a distance from New Carlisle, because it would be easy for him to procure a suitable dwelling-house in the neighbourhood of New Carlisle, and even within the town, provided he were willing to pay a reasonable price. It is five miles from the residence of the said judge to New Carlisle. The petition signed Duncan Hay, and the copy of the act of notoriety signed Robert Caldwell, justice of the peace, together with the act of curatorship signed John Gawler Thompson, certifying the election of Robert Sherar, esq., coroner of the said inferior district, as curator to the pretended absentee, James Ferguson Winter, esq., heretofore sheriff of the said district, being shown to the witness, he answered as follows:—"Duncan Hay, heretofore trader at New Carlisle, in the county of Bonaventure, in the inferior district of Gaspé, now residing, as I believe, at Caraquet in the province of New Brunswick, presented a petition to the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, praying that a curator might be appointed in due form of law to James Ferguson Winter, esq., late sheriff of the district of Gaspé, alleging that his creditors were prevented from recovering their just rights, inasmuch as the residence of the said James Ferguson Winter was unknown." This petition is without date, and is in the handwriting of John Robinson Hamilton, esq., advocate, the nephew of the said judge. By the order of the said John Gawler Thompson, judge of the inferior district of Gaspé (dated at Paspébiac, the 18th February 1835), on the back of the said petition, it will be seen that the same was submitted to his Honor on the said day. This is accompanied by a pretended act of notoriety, entirely in the handwriting of R. William Fitton, made and passed at New Carlisle aforesaid, the 18th of February 1835, before Robert Caldwell, esq., justice of the peace for the district of Gaspé, and a witness; by which act it would appear that John Marrett and Daniel Marrett merely said and declared, that the said James Ferguson Winter had been absent from the inferior district of Gaspé for about 18 months, and that since that time he had absented him from the province of Lower Canada. The committee is now in possession of these two documents. It appears that in conformity with the order of the said judge, at a meeting of the friends of the said James Ferguson Winter, held at the office of Amasa Bebee, esq., prothonotary of the provincial court of the inferior district of Gaspé, the 19th of day February last, Robert Sherar, esq., coroner of the said inferior district, was elected, in due course of law, curator to the absentee James Ferguson Winter, esq., as appears by the act of *curatelle* homologated on the day aforesaid by the said judge. From the conversations which from time to time I have had with the said judge, it is clear that the said judge then knew that the said James Ferguson Winter was staying at Quebec, and he could not but be aware that he had his domicile at Paspébiac, for this was publicly notorious. In the September term of the provincial court of Gaspé in the year 1834, the said judge informed me that he intended associating as prothonotary of the said provincial court the said James Ferguson Winter, observing at the same time, that this individual had suffered much in consequence of his removal from the office of sheriff for the inferior district. He asked my opinion and spoke of him in terms which might have induced me to suppose that he pitied him, had I not been aware of the hatred which the said judge entertained for the said James Ferguson Winter; he concluded by intimating his desire to see him return to Paspébiac, his place of residence; having first asked me how he could get his living at Quebec. (These were his expressions.) I replied that I was ignorant of what the said James Ferguson Winter was doing at Quebec, and with respect to the nomination of this individual as joint prothonotary of the provincial court I had no opinion to offer; that the matter did not concern or interest me. I bowed to the said judge and retired, not knowing what to think of this conversation. I repeat that I do not recollect the date when this conversation took place; it was one morning before the court sat, at the beginning of the above-named term. Upon reflection, I attributed his singular observations to secret motives, and as the effects of intoxicating liquors in which the judge had immoderately indulged the evening before. From various remarks and observations made use of by the said judge, before and after the removal of the said James Ferguson Winter, I must say that I am convinced of the hatred entertained by the said judge against that individual. Having heard at Quebec, last winter, that a curator had been appointed to the said James Ferguson Winter, I made some inquiries with respect to this matter after my arrival at New Carlisle aforesaid. I arrived there about the middle of July, at the house of Robert Caldwell, esq., justice of the peace, as aforesaid, and he informed me that he was not aware of the particulars of this affair, which I thought strange. He acknowledged that John Robinson Hamilton, esq., advocate, had sent for him one evening, and that he had in consequence gone to the house of the said Duncan Hay, who was present, and also Daniel Marrett, John Marrett, John Robinson Hamilton, esq., advocate, R.

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William Fitton, and several other individuals, who took some glasses of liquor together; after which, John Robinson Hamilton, esq., advocate, offered him a paper which he signed, as did also the two Marretts, father and son; that he thought it was to prove that James Ferguson Winter, esq., had left the province. He added that this paper remained in the possession of the said John Robinson Hamilton, esq., and that he, the said Robert Caldwell, had not since seen the document. François Langlois is one of the servants and fishermen to Messrs. Charles Robin & Co. Robert Fitton is an individual who calls himself surgeon, who practises medicine (by what right I know not) in the county of Bonaventure, and who is clerk to John Robinson Hamilton, esq., advocate. This latter has for his bailiff, joiner and confidant, Daniel Marrett. John Marrett, who is the father of the latter, is an old man of very weak intellect, and, from what I have heard, easily influenced. The friends assembled in order to name a curator to Mr. James Ferguson Winter, the pretended absentee, were John McClellan, keeper of the common gaol at New Carlisle, John Robinson Hamilton, esq., advocate, his clerk, R. William Fitton, John Robinson Hamilton's two bailiffs, namely, John Day and Daniel Marrett, Thomas Munro, brother-in-law to R. William Fitton, Robert Sherar, esq., coroner aforesaid, and John Hardeley, agent to Messrs. Charles Robin & Co., fish-merchants, at Paspébiac. John Robinson Hamilton and Robert Sherar, esqrs., and John Hardeley are the declared enemies of the said James Ferguson Winter, and are publicly known as such. The other individuals are more or less under the influence of the said John Robinson Hamilton, Robert Sherar and John Hardeley. Daniel Marrett calls himself one of the creditors of the said James Ferguson Winter, and the commercial house of Charles Robin & Co. pretend also to have heavy claims against him. I know that the two latter facts were within the knowledge of the said judge, because he spoke to me on the subject long before the new election; and on these occasions he seemed to pity the said individuals, and to blame the obstinacy of the said James Ferguson Winter. I cannot imagine that the said judge could be ignorant of the feeling of hatred entertained by the individuals whom I have above mentioned, or of the undue influence which they exercised at the said election over the minds of the others whom I have above referred to, and who were summoned to give their advice at the said election; the said John Robinson Hamilton, esq., advocate, Robert Sherar and John Hardeley being on a footing of intimacy with the said judge. The signature, Duncan Hay, is the signature and handwriting of the said Duncan Hay. I have been informed by John Whitton, junior, the agent for James Ferguson Winter, esq., at Paspébiac, that some time after the said nomination, the said Robert Sherar went to the house of the said James Ferguson Winter, demanding from the said John Whitton, junior, the account books of the pretended absentee, James Ferguson Winter, saying that he was going to collect his debts, and that to effect this object, he purposed retaining as advocate and attorney the said John Robinson Hamilton, esq., advocate; that upon the refusal of the said agent to comply with the demand, he menaced him with the authority of the said judge; that subsequently the said Robert Sherar and John Robinson Hamilton, esq., advocate, at times reiterated their menaces, and at other times held out inducements to the said John Whitton, junior, who, however, continued firm in his determination, and that the matter stopped there, at least this was the case up to October last, when I left the inferior district of Gaspé. The said James Ferguson Winter was a merchant, who to my knowledge carried on trade in the inferior district to a considerable extent, and who has been unfortunate in his speculations. Considerable sums are due to him by many inhabitants of the said district, and from my own knowledge of the means and resources of the inhabitants of the said district generally, I believe many of his debtors to be in a state of insolvency, although there may be some without doubt able to pay. I can say with truth that if it were necessary to prosecute all his debtors without distinction, the collection of the good debts would be barely sufficient to defray the costs of prosecution. The said John Robinson Hamilton, esq., advocate, practised in his professional capacity in the said provincial court in the months of August and September of the year 1830. I believe that he came also in the year 1831 to practise as an advocate. The said John Robinson Hamilton, esq., advocate, came again in the year 1834 to practise in the said provincial court in the August term of that year, and took up his residence at New Carlisle, where he resided until I left the said inferior district of Gaspé, which was in the month of October last.

In the year 1827, about the beginning of October, I went to the residence of the judge on business; he then occupied for the time being, the house of James Sherar, esq. The said judge observed that one Pierre Aubin had called upon him to obtain a *capias ad respondendum* against Pierre Duval, esq., a merchant of the island of Bonaventure, within the inferior district of Gaspé. The sum which the said Pierre Aubin claimed from the said Pierre Duval exceeded 100*l.* currency. I do not recollect the precise sum, but at all events it exceeded the jurisdiction of the provincial court of Gaspé. The said judge then told me, that not having the right to issue the writ, he had refused the demand of the said Pierre Aubin; he concluded by asking me what I thought of the matter. I replied that I thought he had a right to issue the said writ, and that if I had the statutes I thought I could establish the position. He requested me to show him my notes upon this point, which I did on the following day. Some days afterwards the said judge observed to me that I was correct; "but," he added, "what can I do? the man has gone to Quebec." The said Pierre Aubin did in reality go there with the view, as he himself told me the following summer, of instituting his action in the Court of King's Bench for the district of Quebec. I believe the attorney he employed was Charles Pernet, esq., advocate. I do not recollect any other particular touching this subject. In the cause of David Smith and Adam Brotherton, plaintiffs, against Rufus Chamberlin, defendant, under the No. 810, the said John Robinson Hamilton, esq., advocate, took out a *capias ad respondendum* against the body of the said Rufus Chamberlin, for the sum of 15*l.* currency. The *capias* issued upon the affidavit of the

the said John R. Hamilton, assuming the quality of legal attorney for the plaintiff, as appears by the affidavit in possession of this committee. The *capias* is dated the 6th July 1831, and was returnable in the provincial court of the inferior district of Gaspé, at New Carlisle, the 21st of September of the same year. I believe that by virtue of the said *capias*, the defendant was arrested on the same day. The following day this cause was called on; this was at the July term of the year 1831, at Carleton. I was not in court during the sitting of that day, but I know that the first default was entered against the defendant. Three days afterwards the cause was again called on, and the judge ordered the second default to be entered. I then rose and respectfully informed the court that I was retained to defend the action; that, without appearing on the part of the defendant, I ought to tell the court that I was the defendant's attorney. I then exhibited the copy of the said *capias*, which has since remained in my possession, and which I now file. I prayed the court to consider that I could neither appear nor plead in this cause, there being no return before the court; that the defendant had been unable to procure the declaration of the plaintiff, who had neglected to file it at the office of the sheriff of the said inferior district; and that even in that case the defendant would not have been bound to appear. The said judge then regarded me with a menacing air, and, without saying a word, ordered the entry of the defaults, which had been made by the prothonotary on a fly-sheet, to be struck out. This cause was never returned into the said provincial court, and the matter dropped there. The plaintiffs were the friends of the said judge. The defendant was far from enjoying the same advantage. It appears that on the 8th September 1830, the said John Robinson Hamilton drew up a certain act, which he was pleased to call an inventory of the moveables and immoveables of the succession and community of Jean Louis Laurent, of Paspébiac, deceased, the widow of this person having entered into a second marriage with one François Langlois, at the time of the drawing up of the said inventory. I shall abstain from commenting upon this document; to read it is sufficient to convince any one of its illegality. This document appears to have been formally closed (*clos en justice*) on the 11th September 1830, by the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé. The pretended inventory is in the handwriting of the said John Robinson Hamilton, and the signature J. R. Hamilton, at the foot thereof, is his signature, written carelessly. This document is in possession of the committee. I see also a certain petition of the said John Robinson Hamilton, signed Hamilton, attorney for the petitioners, addressed to the said Judge Thompson, praying the enregistrement of the said inventory; this again is the signature of the said J. R. Hamilton, esq. At the foot of the said petition is a singular order made by the said judge. It is sufficient to read the said petition, order and inventory, to form an accurate opinion of the whole, and of the legal knowledge of the said judge on these matters. I know Patrick Enright, formerly of L'Ance du Cap, in the county of Gaspé, in the inferior district of Gaspé, now of the township of Sherrington, in the county of L'Acadie, in the district of Montreal, who was heard before this committee on the 4th of January of the present year. At the beginning of September last the said Patrick Enright came to me to interest me in his behalf; this was two days previous to his arrest. He then related to me the substance of what he has deposed before this committee. I told him, that since J. R. Hamilton, esq., appeared willing to pay him what the Honourable Judge Thompson owed him, he would do well to lose no time in receiving the money; but, I added, that I thought he would return as he came. I observed to him that I was about to send to Jacques Lamy, and would endeavour to bring the business to a close: I intended to make an offer to the said Jacques Lamy. This latter person came to my house that same day when I had this conversation with the said Patrick Enright. I found Jacques Lamy indisposed to interfere in this affair; what he stated to me was in substance as follows:—"When Enright received the check from the said judge, I counted out to the judge the sum of 140*l.* in money: I consented to pay this sum to the said judge, who gave his check for a similar sum to the said Patrick Enright; by this arrangement I gained 30*l.*: Patrick Enright consented thereto; it was his business. I have my four notes which I gave to James Schannon for his land at Hope Town, which I bought; Patrick Enright handed them to me. I do not wish to hear anything more about Patrick Enright; if he has made a bad bargain, let him settle with Judge Thompson." He added, "I know what I am about; I have good advice." We parted without further explanation. Patrick Enright being confined on the 7th or 8th of September last, in the common gaol of New Carlisle, sent for me immediately. Having arrived there, I took communication of the copy of the writ of *capias ad respondendum*, and of the declaration in the cause, which he then had in his possession. The title of the cause is, Peter Duval and others, plaintiffs, against Patrick Enright, defendant, and is under the No. 177. The amount demanded was 13*l.* currency. The said Patrick Enright was thus arrested on the affidavit of John Robinson Hamilton, esq., advocate, who publicly assumed the quality of attorney *ad negotia*, of the plaintiffs in this cause, as appears by the copy of the writ of *capias ad respondendum*, and by the endorsement; the whole being certified by Martin Sheppard, esq., sheriff of the inferior district of Gaspé. I never saw the affidavit in this cause made by the said John R. Hamilton, esq., advocate, although I demanded it for the purpose of taking communication thereof, before and during the progress of the said cause; and I even asked for a copy thereof after judgment therein rendered. The prothonotaries of the said provincial court have always told me, as the reason why they could not give me the said affidavit, that it was in the possession of J. R. Hamilton, esq. The said Patrick Enright was thus detained within the common gaol of New Carlisle for the causes above mentioned, until the day of the return of the said *capias*, to wit, the 14th day of September of the same year, when he was admitted to put in special bail, the court then sitting. I then made motion that the said writ of *capias ad*

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respondendum be declared null and void, upon the ground that it having issued as in the reign of his late Majesty George the Fourth, and not in the reign of his present Majesty William the Fourth, the defendant, Patrick Enright, ought to be set at liberty. The plaintiffs' action was dismissed with costs, reserving their future remedy. This judgment was thus rendered in September last at New Carlisle, in the said provincial court. On the 6th of October last, I presented to the said judge my bill of costs in the said cause, amounting to the sum of 7*l.* 14*s.* 10*d.* currency, against the plaintiffs, and to that of 3*l.* 13*s.* 6*d.* currency, against the defendant. I lay the said bill before the committee, in order that a copy thereof may be taken, desiring that the original may be thereafter returned to me. The day upon which the said bill was taxed, I observed to Amasa Bebec and John Wilkie, esquires, prothonotaries of the said provincial court, that it appeared to me very singular that they had made so great a mistake in issuing the said writ, and that they might find themselves involved in some difficulty. Whereupon Amasa Bebec, esq., addressing himself to John Wilkie, esq., told him in substance: "There you see, Mr. Wilkie, the consequence of doing things out of the office, at Mr. Hamilton's house." The said Wilkie replied, "that that was true; but that to oblige Mr. Hamilton, he had consented to do it." Mr. Wilkie acknowledged to me that Mr. John Robinson Hamilton's affidavit was drawn up at his own house, as well as the said writ. I have known the said Patrick Enright since the month of August 1827; he is an honest man, but very far from being a man of business: he has always told me that the said judge gave him a bill of exchange, or draft for 140*l.* currency, but I see by the copy of the protest, executed and served by Archibald Campbell, public notary, that this document is not such as the said Patrick Enright no doubt thought he had, inasmuch as it is a mere order from the said judge to pay to Patrick Enright, or bearer, the sum of 140*l.* currency (without the words "value received" forming part of the same), and addressed to the cashier of the Quebec Bank. This order to pay, or direction under private signature, to pay the said sum, is dated Paspébiac, 18 June 1834, and is numbered 25. What is stated in that portion of the deposition of the said Patrick Enright, as having occurred between his arrest and his liberation, is in substance the same as what he often repeated to me when I was in the said inferior district. Conformably to the calculations made by Noah Freer, esq., cashier of the Quebec Bank, examined before this committee, it would appear that the said judge owes, at this moment, to the said Patrick Enright, a balance of 92*l.* currency, for and in consideration of the order of the said judge for the sum above mentioned. On the very day of the arrest of the said Patrick Enright, I met at New Carlisle, at the door of the boarding-house where Mr. Edouard Thibaudeau lives, Martin Sheppard, esq., sheriff of the district of Gaspé, and John Wilkie, esq., prothonotary of the provincial court above mentioned; they were going to their boarding-house; it was about mid-day. As they were laughing much together, I asked them jokingly whether they had received good news? The said sheriff made no reply; but the said John Wilkie told me that the sheriff had made one of the most clever hits possible; that he had arrested in the gaoler's room the said Patrick Enright, in virtue of a *capias ad respondendum*. They began again to laugh; but I observed to them that I doubted its being a clever proceeding, because I believed the arrest to be illegal; they left me, and I went home. When there, I received information that the prisoner, Patrick Enright, desired to see me. I then went to the New Carlisle gaol, as above stated. On the return day of the said *capias*, some time previous to the sitting of the court, the said sheriff earnestly urged me to allow him to amend the writ; but I peremptorily refused. I had forgotten to mention that I saw the said judge, during the terms of the provincial court, held at Carleton in July last, at Percé, and at Douglas Town in the month of August last, frequently under the influence of intoxicating liquors, and on one occasion, at the said term at Douglas Town last mentioned, I saw the said judge in a state closely bordering on drunkenness, if not actually drunk, and that upon the bench while the court was sitting. During the term of the said court, held in September last at New Carlisle, I can say that I saw the said judge under the influence of spirituous liquors several times during the sitting of the court, but he was not drunk. At one of the sittings of the said court, in September 1834, the said judge fortunately arose and retired into his chambers; I followed him on urgent business, and found him with tears in his eyes. He told me: "I have a violent ear-ache and pains in my stomach, which make me suffer much; I am going away," which he actually did. I must say that, from the knowledge I possessed of the judge, if he was not drunk, he was not far from it. He has made the same excuses to me over and over again, under circumstances when I could have no doubt that he was in a state of drunkenness. Edouard Thibaudeau, esq., advocate, one of the witnesses who has appeared before this committee, did not regularly attend the different terms of the said court held in the year 1835, in the inferior district of Gaspé. The distance from Carleton to the residence of the said judge at Paspébiac, is about 18 leagues; there is a good internal communication, and a post line. I ought to add that the major part of the inhabitants of the said inferior district have no confidence in the decisions of the said judge. The matters of fact which I have above stated are true.

APPENDIX.

1. Petition of Joseph François Deblois, esq.
2. Declaration of a *demande* in an action *capias ad respondendum*, P. Duval, et al. plaintiffs, vs. P. Enright, defendant, No. 177.
3. Notification and bill of particulars in cause No. 177.
4. Account of the heirs of Peter John Duval agt. Patrick Enright.
5. Protest of a check for 140 l. Patrick Enright vs. Judge Thompson.
6. Memorandum by the cashier of the Quebec Bank.
7. Patrick Enright's receipt to Doctor Racey for 10 l.
8. Declaration of a *demande* in an action of *assumpsit* or *arrêt simple*, William Carter, plaintiff, vs. Timothy Lefforgie, defendant, No. 375.
9. Procès verbal No. 3 in cause No. 375.
10. Judgment in cause No. 375.
11. Memorandum of sheriff's costs, charges and disbursements in cause No. 375.
12. Petition of Duncan Hay, one of the creditors of James Ferguson Winter, and Act of Notoriety.
13. Act of curatorship of Robert Sherar, esq., to the absence of James Ferguson Winter.
14. Affidavits of William Marsden, Germain Laprise, George Wright, the Widow of Edward Green, François Pelletier, Duncan McKeachney, and James Ferguson Winter.
15. Affidavit to hold to bail, of John Robinson Hamilton, in cause No. 810. David Smith and Adam Brotherton, plaintiffs, vs. Rufus Chamberlin, defendant.
16. Capias against Rufus Chamberlin.
17. Petition of François Langlois and Euphrosine Dugué, joint tutors to the minor children of the late Jean Louis Laurent.
18. Inventory of the moveable and immoveable property of the succession of the late Jean Louis Laurent.

(No. 1.)

Petition of Joseph François Deblois, Esq.

To the Honourable the Knights, Citizens and Burgesses of the Province of Lower Canada, in Provincial Parliament assembled.

THE humble petition of Joseph François Deblois, esq., advocate, and one of the members of the House of Assembly of the Province of Lower Canada, residing at New Carlisle, in the county of Bonaventure, in the inferior district of Gaspé, in the province aforesaid,

Respectfully sheweth,

That your petitioner, who was born at Quebec, the capital of this province, in which it is his intention to pass the remainder of his days, claims as a native of this country all the rights, and acknowledges himself bound by all the obligations of a British subject, and demands, as a member of your Honourable House, all the rights and privileges attached to his quality of representative of the people.

That in both these capacities your petitioner, placing his trust in the laws, and in that justice which he prays, and which he hopes to obtain, not for himself alone, but for the interests and welfare of the whole body of the inhabitants of the inferior district of Gaspé, stands forward without passion and with the most perfect confidence, to call the attention of your Honourable House to the malversations of a public functionary too high in rank to be amenable to the ordinary tribunals of the country.

That your petitioner cannot conceal from himself the danger he incurs in thus publicly accusing a man high in rank, the persecutions to which he must expose himself, the obstacles he must contend with, and the numberless difficulties created by distance, which he must surmount.

That your petitioner, after having maturely weighed all these considerations, moved solely by a feeling of justice and of duty, yields to an imperious sense of what he owes to society, in the firm conviction that men will be found who will fearlessly and impartially declare the truth; and therefore respectfully submits to your Honourable House, that the Honourable John Gawler Thompson, judge of His Majesty's provincial court for the inferior district of Gaspé, is incompetent to fill that high office.

That the said Honourable John Gawler Thompson, being such judge as aforesaid, has been guilty of high crimes and misdemeanors. 1st. Because of his natural imbecility and his deficiency of intelligence, character and sagacity; of the want of propriety and dignity in his conduct, and of his aversion to, and general incapacity for, performing his important functions. 2dly. By reason of his neglect and ignorance of, and of his contempt for, the laws of the country; because he is partial, capricious, arbitrary and vindictive, making his power as a judge subservient to the gratification of his passions, and the instrument of his vengeance. 3dly. Because he has unlawfully refused his ministry as a judge, and has impeded and stopped the course of justice, by granting to those whose interests he wishes to advance, an unjust degree of protection, and by threatening many of His Majesty's subjects with his resentment. 4thly. Because

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Mr. Thompson.

under colour of his authority as a judge, he has unduly influenced, threatened, oppressed and tyrannized over divers officers of the said provincial court, and has unlawfully sat as chairman at divers general sessions of the peace, held at different times and under various circumstances, in the said inferior district; and more especially in one case where he had previously been called upon as judge to interpose his judicial authority in favour of the accused; because he inconsiderately, unnecessarily and unlawfully sat and acted as a justice of the peace, in one case among others where he was afterwards bound as judge to set at liberty one of His Majesty's faithful subjects whom he had himself committed to gaol in his quality of justice of the peace; and because he has also exercised a dangerous control over the rights and liberties of all His Majesty's subjects at the said general sessions of the peace for the district of Gaspé. 5thly. Because he has frequently absented himself from the district of Gaspé on his private business, and has taken up his residence at Paspébiac (a place distant nearly five miles from the court-house), where he continues to reside, to the great prejudice of His Majesty's faithful subjects in the inferior district of Gaspé. 6thly. Because, by reason of his intemperance, it has happened on several occasions that the said provincial court has not been held during the terms by law appointed, or has been held only during a part thereof, in violation of the law of the land and of the Bill of Rights. 7thly. Because the said judge did at the last election league himself with the declared enemies of the liberties of the people, who did violence to public opinion, and every species of corruption; and who afterwards, in their avowed hatred to the free exercise of the elective franchise on the part of the inhabitants of the said county of Bonaventure, instituted a number of actions before the provincial court of the said inferior district, in which the said judge was subsequently called upon to give judicial decisions. 8thly. Because the said judge has wilfully exceeded his jurisdiction, and has, both on the bench and in his chambers, substituted his mere will and pleasure for the law of the land. 9thly. Because his conduct, actions, opinions, connexions and intrigues generally, are such that His Majesty's subjects in the said inferior district have lost all confidence in the said provincial court, and that the state of things thereby brought about is such as to tend to alienate the affection of His Majesty's subjects aforesaid from his person and his government, as established in this province.

That your petitioner, His Majesty's faithful subjects in the inferior district of Gaspé, and society in general, are interested in the conviction of the said Honourable John Gawler Thompson, judge of His Majesty's provincial court for the said inferior district of Gaspé, if he is guilty; and that your petitioner is ready to prove the charges he has made, at such time and place as your Honourable House may be pleased to appoint.

Your petitioner therefore earnestly prays that your Honourable House will take into its most serious consideration the grave charges brought in this petition, and that after having heard the witnesses and examined the records (to be produced by the proper officers) in support of the charges aforesaid, you will adopt such other and further proceedings as in your love of justice and anxious desire to maintain the rights of His Majesty's subjects in this province, you shall deem right and consistent with the tenor of the Constitutional Act, and the powers, privileges and usages of Parliament, for the purpose of obtaining the removal of the said honourable judge from office.

And your petitioner shall ever pray, &c. &c.

Quebec, 8 November 1835.

(signed) J. F. Deblois.

(No. 2.)

DECLARATION of a *Demande* in an action *Capius ad Respondendum*, P. Duval *et al.* Plaintiffs, vs. P. Enright, Defendant. No. 177.

Province of Lower Canada, Inferior District of Gaspé.

(No. 177.)

George the Fourth, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To the Sheriff of our Inferior District of Gaspé, greeting :

L. S. } WE command you, that you take Patrick Enright, of Paspébiac, in
(Signed) Jno. G. Thompson, } he may be found in your district, and him safely keep, so that you may
J. P. C. } have his body before us in our provincial court for our inferior district
of Gaspé, in our court-house of New Carlisle, in our said inferior district, on Monday the 14th day of September instant, to answer Peter Duval, of Bonaventure Island, in the county and district of Gaspé, and Amice Duval, of the island of Jersey, in that part of the United Kingdom of Great Britain and Ireland called England; they the said Peter Duval and Amice Duval being merchants, and heretofore copartners, carrying on trade and commerce at Bonaventure Island aforesaid, under the name, style and firm of Peter Duval and Company, of the *demande* contained in the declaration, to be filed pursuant to the requirements of the statute in such case made and provided, and further to do and receive what in

our

our said court before us, in this behalf shall be considered, and have you then and there this writ.

Witness the Honourable John Gawler Thompson, our judge for our said inferior district of Gaspé, at New Carlisle, the 7th day of September 1835, in the fifth year of our reign.

(signed) *Babee & Wilkie, P. P. C.*

(A true copy.) *M. Sheppard, Sheriff.*

Jno. R. Hamilton, Atty. for Pltf.
Prov. Stat. 7 Geo. cap. 8.

Correspondence
respecting
Mr. Thompson.

Province of Lower Canada, Inferior District of Gaspé,

In the Provincial Court.—*P. Duval et al. Plaintiffs, vs. P. Enright, Defendant.*

To the Honourable the Justice of His Majesty's Provincial Court for the Inferior District of Gaspé.

Peter Duval, of Bonaventure Island, in the county and district of Gaspé, and Amice Duval, of the island of Jersey, in that part of the United Kingdom of Great Britain and Ireland called England, they the said Peter Duval and Amice Duval, being merchants and heretofore co-partners carrying on trade and commerce at Bonaventure Island aforesaid, under the name, style and firm of Peter Duval and Company, complaining of Patrick Enright, of Paspébiac, in the county of Bonaventure, in the district of Gaspé, farmer, by this their declaration do humbly represent, that the said defendant heretofore, to wit, on the 1st day of September, in the year of our Lord 1835, at Bonaventure Island aforesaid, was indebted to the said plaintiffs in the sum of 13*l.* lawful current money of this province of Lower Canada, for divers goods, wares and merchandizes, by the said plaintiffs before that time sold and delivered to the said defendant, at his special instance and request, and also in so much money as divers other goods, wares and merchandizes, before that time also sold and delivered by the said plaintiffs to the said defendant, at his like special instance and request, were reasonably worth at the time of the sale and delivery thereof, and which were in fact then reasonably worth, at Bonaventure Island aforesaid, another sum of 13*l.* of like lawful current money, whereof the said defendant afterwards, to wit, on the day and year aforesaid, at Bonaventure aforesaid, there had notice.

And also in the further sum of 13*l.* of like lawful current money, for work and labour, by the said plaintiffs before that time done and performed, and divers materials and other necessary things by the said plaintiffs found and provided, used and applied in and about the same for the said defendant, at his special instance and request.

And also in the further sum of 13*l.* of like lawful current money, for money due and payable from the said defendant to the said plaintiffs for interest upon and for the forbearance of divers large sums of money due and payable from the said defendant to the said plaintiffs, and by the said plaintiffs forborne for divers long spaces of time then elapsed, at the special instance and request of the said defendant.

And also in the further sum of 13*l.* of like lawful current money, for money lent and advanced to, and paid, laid out and expended for the said defendant, at his special instance and request, by the said plaintiffs.

And also in the further sum of 13*l.* of like lawful current money, for other money by the said defendant before that time had and received to and for the use of the said plaintiffs, and upon an account stated and settled between them, and being so indebted, he the said defendant, in consideration thereof, afterwards, to wit, on the same day and year aforesaid, at Bonaventure Island aforesaid, undertook, and to the said plaintiffs then and there faithfully promised to pay them the said sums of money, when he the said defendant should be thereunto afterwards requested.

Yet the said defendant, not regarding his said promise and undertaking, hath not yet paid the several sums of money, or any of them, or any part thereof, to the said plaintiffs (although often thereunto requested), but hath hitherto wholly refused, and still doth refuse to do; to the damage of the said plaintiffs of 13*l.* of like lawful money.

And the said plaintiffs do further avow, that the said defendant is immediately about to leave the province of Lower Canada, whereby the said plaintiffs, without the benefit of a *capias ad respondendum* or attachment against the body of the said defendant, may be deprived of their remedy against the said defendant and sustain damage.

All which allegations the said plaintiffs do hereby aver to be true and well-founded in fact and in law, and the same will verify, prove and maintain when and as this honourable court shall direct.

Wherefore the said plaintiffs pray the process of this honourable court, to wit, a writ of *capias ad respondendum* or attachment against the body of the said defendant, and that the same issue to arrest the body of the said defendant, that he may be and appear personally in this honourable court, at New Carlisle, on Monday the 14th day of September instant, to answer unto the said plaintiffs of the *demande* contained in this declaration, and that for the causes aforesaid, by the judgment of this honourable court, the said attachment be rendered good and valid, and that the said defendant may be then and there adjudged and condemned to pay and satisfy to the said plaintiffs the said sum of 13*l.* lawful current money aforesaid, with legal interest and costs of suit.

Dated the 7th day of September 1835.

Jno. R. Hamilton,
Plff's. Atty.

Correspondence
respecting
Mr. Thompson.

No. 3.

NOTIFICATION and BILL of PARTICULARS in Cause No 177.

Province of Lower Canada, Inferior District of Gaspé.

In the Provincial Court.—Peter Duval *et al.* Plaintiffs, *vs.* Patrick Enright, Defendant.
No. 177.

Sir,

Take notice that I shall make application to the Honourable John Gawler Thompson, judge of the provincial court for the inferior district of Gaspé, on Saturday the 3d day of the present month of October, at the court-house of New Carlisle at 10 o'clock in the morning, to tax the annexed bill of costs against the plaintiffs *es qualités* in this cause according to the course and practice of this court.

New Carlisle, 2 Oct. 1835.

J. F. Deblois,
Atty. for D ft.

To J. R. Hamilton, esq., Attorney for Plaintiff.

Province of Lower Canada, Inferior District of Gaspé.

In the Provincial Court, 4th Class, 4th Case.

No. 177.

Peter Duval *et al.* Plaintiffs, *vs.* Patrick Enright, Defendant.

£. s. d.		£. s. d.	£. s. d.
1 15 -	Defendant's attorney - - - - -	2 6 8	
- 16 8	Fees on the rule of 15th September to quash		
- - 6	<i>capias ad respondendum</i> - - - - -	1 15 -	
- 11 8	Copy of rule - - - - -	- - 6	
- 6 8	Fee on rule to stay proceedings of 15th Sept. - - - - -	- - 16 8	
- 3 -	Copy of rule - - - - -	- - 6	
3 13 6	Drawing up special bail bond - - - - -	- - 6 8	
	Copy of judgment - - - - -	- - 2 -	
	Bill and Taxation - - - - -	- - 12 6	
Plaintiffs.			6 - 6
10 s.	Prothonotary's fee - - - - -	- - 10 -	
	Fee on rule of 15th September to quash		
	<i>capias ad respondendum</i> - - - - -	- - 11 8	
	Fee on rule to stay proceedings - - - - -	- - 6 8	
	Rule to quash <i>capias ad respondendum</i> - - - - -	- - 1 -	
	Fee to stay proceedings - - - - -	- - 1 -	
	Bailiff Smollett, service of rule of 15th Septem- ber to quash <i>capias ad respondendum</i> - - - - -	- - 2 -	1 10 4
	Ditto of rule to stay proceedings - - - - -	- - 2 -	- 4 -
		£.	7 14 10
			3 13 6
	To be paid by Plaintiffs - - - - -		4 1 4
		£.	- 10 -
			3 11 4

Taxed at 3*l.* 11*s.* 4*d.* currency, against plaintiffs, and 3*l.* 13*s.* 6*d.* currency, against client.

6th October 1835.

Jno. G. Thompson.

I do hereby certify that I have served a true copy of the within bill of costs on John R. Hamilton, esq., attorney for plaintiff, at his domicile, New Carlisle, on the 2d day of October 1835, about the hour of one in the afternoon.

Service and return, 2 s.

Robert Smollett, Bailiff.

No. 4.

ACCOUNT of the Heirs of Peter John Duval against Patrick Enright.

Mr. Patrick Enright,		To the heirs of Peter John Duval.				
1830.	October 11	-	To balance due as agreed	-	-	£. 2 - 6
1831.	July 23	-	5 yds. striped cambric, 3 s. 4 d., 3 yds. flushing, 10 d.			- 19 2
			8 yds. plaid, 2 s., 1 1/2 yd. green baize, 4 s., 3 yds. ribbon, 4 d.			1 3 -
			1/2 yd. serge, 2 s. 6 d., 6 lb. chalk, 4 d., 1 bl. flour, 45 s.			2 8 3
	August 29	-	5 yds. sheeting, 4 s., 1 chamber-pot, 2 s. 6 d.			1 2 6
	September 8	-	1 pr. shoes, 11 s. Sept. 8th. 2 yds. bombazet, 1 s. 6 d.			- 14 -
			Pasteboard, 6 d., twist, 6 d., 1/4 yd. cotton, 6 d., 1 bl. flour, 45 s.			2 6 6
			1 remnant bombazet, 1 s., 1 bl. flour, 45 s.			2 6 -
	— 9	-	1 tin pan, 3 s. 6 d., 1 augur, 3 s. 4 d., 1 lb. tobacco, 2 s.			- 8 10
	October 15	-	1 pr. blk. hose, 4 s., 4 1/2 yds. plaid, 2 s.			- 13 -
						14 1 9
				Cr.		
1831.	July 9	-	By Mr. P. Day's account	-	£. 1 - -	
	— 23	-	By 2 yds. plaid, at 3 s.	-	- - 6 -	
	October 31	-	By 1 qtl. mble fish	-	- - 14 -	
			By 1 1/2 qtl. 14 lbs. W. India fish, at 10 s.	-	- - 16 3	
			By 98 lbs. broken ditto	-	- - 5 3	
						3 1 6
				Balance due	- - £.	11 - 3

Errors and omissions excepted.

Bonaventure Island, Sept. 26th 1835.

For the heirs of Peter Duval,

Peter Duval, Tutor.

No. 5.

PROTEST of a Cheque for 140 l. Patrick Enright vs. Judge Thompson.

Quebec Bank,

No. 25.

£. 140 - -

Paspébiac, 18 June 1834.

Pay to Patrick Enright or bearer, on the 10th of October next, 140 l. currency.

To the Cashier.

(signed) *Jno. G. Thompson.*

(endorsed) *P. Enright.*

Province of Lower Canada, District of Quebec.

On this day, the 11th of October, in the year of our Lord 1834, at the request of Mr. Patrick Enright, of the township of Sherrington, in the district of Montreal, farmer, the bearer and holder of the original draft, whereof the foregoing is a true and exact copy, we the undersigned notaries public, duly commissioned and sworn in and for the province of Lower Canada, and residing in the city of Quebec, went to the office of the Quebec Bank, where is made payable the said original cheque or draft, and then and there, personally speaking to the cashier of the Quebec Bank, we produced and exhibited unto him the said original draft, and demanded payment thereof, whereunto he made answer, "That there are no funds of Judge Thompson in the bank; the warrants have not been issued."

Therefore, we the said notaries, at the request aforesaid, have protested, and by these presents we do most solemnly protest against the drawer of the said draft, and all others whom the same shall or may in any wise concern, for all costs, losses, damages and interests, suffered and to be suffered for and by reason of the nonpayment of the said draft.

Correspondence
respecting
Mr. Thompson.

Thus done and protested at the city of Quebec aforesaid, on the day, month and year first above written, having left an exact copy of these presents with the said cashier, speaking as aforesaid, in order that he plead not ignorance of the premises.

In testimonium veritatis.

(signed) *Pre. Jos. David*, Not. Pub.
Arch. Campbell, Not. Pub.

(A true copy.) *Archibald Campbell*, Not. Pub.

No. 6.

MEMORANDUM by the Cashier of the Quebec Bank.

Copy of memorandum.

Upon the receipt of Judge Thompson's salary, and there being sufficient funds at his credit for the purpose, the amount of the within cheque for 140*l.* and 10*s.* notarial expenses, to be charged to the judge's account in the bank, and placed to the credit of Patrick Enright, of Sherrington (seignior of St. James, near Montreal), out of which 140*l.* 10*s.* is to be paid my conditional acceptance of P. Enright's draft in favour of Messrs. James Gibb & Co. for 35*l.* odd shillings, and also Enright's cheque or draft for 3*l.* in favour of John Racey, esq., being money advanced by him to Enright; and Enright to be informed by letter from me of the balance for which he may be allowed to draw.

Quebec Bank, 16 Oct. 1834.

Noah Freer, Cashier.

No. 7.

PATRICK ENRIGHT's Receipt to Doctor Racey for 10*l.*

Copy of receipt.

£. 10.

Montreal, August 6, 1835.

Received from Doctor Racey the sum of 10*l.* currency, on account of cheque or note held by the Bank of Quebec, signed J. G. Thompson, in favour of me.

(endorsed) *John Racey*, M. D. (signed) *P. Enright*.

No. 8.

DECLARATION of a *Demande* in an action of *Assumpsit* or *Arrêt Simple*, William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant, No. 375.

Province of Lower Canada, Inferior District of Gaspé.

(No. 375.)

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To the Sheriff of our Inferior District of Gaspé, greeting:—

(L. S.)
Jno. G. Thompson,
Judge Dist. Gaspé.

We command you that you take Timothy Lefforgie, of a certain place called Cox Township, in the inferior district of Gaspé, in the province of Lower Canada, yeoman, if he may be found in your district, and him safely keep, so that you may have his body before us in our provincial court for our inferior district of Gaspé, at Carleton, on Tuesday the first day of July next, to answer William Carter, of a certain place called Port Daniel, in the inferior district of Gaspé, in the province of Lower Canada, merchant, in conformity with the statute, 25 Geo. 3, c. 2, s. 37; and further to do and receive what in our said court before us in this behalf shall be considered, and have you then and there this writ.

Witness the Honourable John Gawler Thompson, our judge of our said provincial court for the said inferior district of Gaspé, at New Carlisle, the 7th day of May, in the ninth year of our reign.

A. Bebee, P. P. C.

I hereby certify that I have been prevented from seizing in this cause, by opposition and resistance by the defendant, as will appear by my procès-verbaux in cause filed and attached, Nos. 1, 2 and 3; and that the defendant has not neither been apprehended, not having yet been found, according to the writ of *capias* issued in pursuance to the fiat at foot of procès-verbal No. 1.

Paspébiac,
28th June 1828

J. Ferguson Winter,
Sheriff.

(Procès-verbal, No. 2.)

Province of Lower Canada, Inferior District of Gaspé.

No. 375.

William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant.

AT New Carlisle, being Monday, the 5th of May, in the year 1828, at midnight, at five in the afternoon of this day I proceeded with man, horse, and cabriolet (and J. F. Deblois, esq., to accompany me) to the east end of Paspébiac, to the residence of the Honourable John Gawler Thompson, judge of the provincial court of the said district of Gaspé, where, arriving at seven of the clock in the afternoon, and asking for him, the said honourable judge, his servant man and his servant maid made answer, that himself, with Mrs. Thompson, his wife, had embarked at or about noon of the same day on board of a schooner, on their way for Quebec. I therefore immediately returned here (to New Carlisle aforesaid), and at about or past eleven of the clock of the afternoon of this day, called on Captain James Chisholm (captain of militia), awoke him, and did not then judge him fit to execute any orders; therefore told and ordered him to call on me to-morrow morning, at J. F. Deblois', esq., when and where he would receive particular orders from me for urgent and important duty. At this time, about midnight, called at the gaol, and spoke to James Gillker, the keeper, and gave him orders to endeavour, and do his utmost, at the peep of day, to find and send two men to relieve Robert Smollet and Henry Kempfer, who had been placed by me to guard around and about the house and premises of Timothy Lefforgie, the defendant; and after this, to call on Thomas Man, esq., the old sheriff, with my compliments, and ask and require of and from him, in my behalf, the key of the room in the court hall, where the arms are lodged, as I needed them immediately, for an urgent and pressing necessity.

New Carlisle, midnight,
5th May 1828.J. Ferguson Winter,
Sheriff.

(Procès-verbal, No. 1.)

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

No. 375.

William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant.

THIS day, being Monday, the 5th of May, in the year of our Lord 1828, I proceeded with my bailiff, Mr. Robert Smollett, to the house and dwelling of the defendant in this cause, in order to attach and seize in obedience to the *saisie arrêt simple* in this cause; but being there, near the house and dwelling of the said defendant, at ten minutes before two o'clock in the afternoon of this said same day, a young woman came out of the house with a bucket in her hand, and looking at me in a cabriolet, flew or ran back into the house, and quickly called in two young children that were near the house, and shut the door. I then went to the door and knocked, and tried to open the door, but it was barred or fastened from inside. I asked admittance, and a more elderly woman than the aforesaid (called Mrs. Allen, as I am informed) spoke and showed herself through the window glass, and said she had orders from Mr. Lefforgie to let no person in the house during his absence. I then handed and served the writ and declaration in this cause, by handing true copies of the same to the said Mrs. Allen through a broken pane of glass, telling her to hand the same to Mr. Lefforgie, the defendant. I then told the said woman "I am the sheriff, and I ask admittance in the King's name." She again refused, and said she had orders from Mr. Lefforgie not to admit or permit any person to come into the house. Being thus resisted, let, impeded and prevented, I could not nor have not executed the said writ of *saisie arrêt simple* against the said defendant, by seizure or attachment; neither did I find anything outside, around the house or premises, to seize. I have therefore appointed to remain about the said house and premises Robert Smollet and Henry Kempfer, as records to guard and prevent anything being removed or taken out of the house or premises.

New Carlisle, 4 P. M.
5th May 1828.J. Ferguson Winter,
Sheriff.

Let a writ of attachment issue against the said Timothy Lefforgie, in conformity with the statute 25 Geo. 3, c. 2, s. 37.

Paspébiac, 6th May 1828.

Jno. G. Thompson,
Judge Dist. Gaspé.

Correspondence
respecting
Mr. Thompson.

Province of Lower Canada, Inferior District of Gaspé.

No. 375.

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith,

To the Sheriff of our Inferior District of Gaspé, greeting:

Jno. G. Thompson,
Judge Dist. Gaspé. We command you, at the instance of William Carter, of a certain place called Port Daniel, in the inferior district of Gaspé in the province of Lower Canada, merchant, to attach all and every the goods, estate, debts and effects of Timothy Lefforgie, in the possession of him the said Timothy Lefforgie, and belonging to him, at Cox Township, if the same shall be so found in your district, and the said goods, estate, debts and effects so attached, safely to hold, keep and detain in your charge and custody, until the attachment thereof which shall be so made under and by virtue of this writ shall determine in due course of law.

We command you also to summon the said Timothy Lefforgie to be and appear before us in our provincial court for our said inferior district of Gaspé, at Carleton, on Tuesday, the first day of July next, the said Timothy Lefforgie then and there to answer the said William Carter, of the *demande* contained in the annexed declaration, and the said Timothy Lefforgie then and there to show if he hath or can say anything why, in our said court before us, the attachment which shall be so made as aforesaid, should not be declared good and valid, and further to do and receive what, in our said court before us in this behalf, shall be considered; and in what manner you shall have executed this writ, then and there certify unto us, with your doings thereon, and every of them, and have you then and there also this writ.

Witness the Honourable John Gawler Thompson, judge of our provincial court for the said inferior district of Gaspé, at New Carlisle, the 3d day of May, in the ninth year of our reign.

A. Bebee, P. P. C.

J. F. Deblois, Atty.'s Plaintiff.

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

No. 375.

William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant.

William Carter, of a certain place called Port Daniel, in the inferior district of Gaspé, in the province of Lower Canada, merchant, plaintiff, after being duly sworn, deposeth and saith, that Timothy Lefforgie, of a certain place called Cox Township, in the inferior district of Gaspé, in the province of Lower Canada, yeoman, defendant, is actually and personally indebted to him, the deponent, in a sum exceeding 10*l.* currency, to wit, in the sum of 29*l.* 17*s.* 5½*d.* lawful current money of this province, for goods, wares and merchandizes sold and delivered by the said deponent to the said Timothy Lefforgie, and for money paid, laid out and expended for the said Timothy Lefforgie by the said deponent; and the said deponent further saith, that the said Timothy Lefforgie is immediately about to secrete his estate, goods, debts and effects, with an intention to defraud the said deponent, his creditor, and that he, the said deponent, verily believes he will lose his debt and sustain damage, without the benefit of a writ of attachment, *arrêt simple*, to be forthwith issued, to take and detain the goods, estates, debts and effects of the said Timothy Lefforgie, according to law.

New Carlisle, 19th April 1828.

(signed) William Carter.

Sworn before me this 21st April at Paspébiac, 1828.

(signed) John G. Thompson,
Judge Dist. Gaspé.

Let a *saisie arrêt* issue, as prayed for, this 21st April, at Paspébiac, 1828.

(signed) John G. Thompson,
Judge Dist. Gaspé.

I do hereby certify the above to be a true copy of the affidavit sworn to by the said William Carter before the Honourable John Gawler Thompson, judge of the provincial court for the inferior district of Gaspé, at Paspébiac, on the 21st day of April 1828, and filed and remaining of record in my office.

New Carlisle, 3d May 1828.

A. Bebee, P. P. C.

[Here follows the copy of the Declaration.]

(No. 9.)

Procès-verbal No. 3 in Cause No. 375.

(Procès-verbal No. 3.)

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

No. 375.

William Carter, Plaintiff, *vs.* Timothy Lefforgie, Defendant.

On Tuesday, the 6th day of May, in the year of our Lord 1828, at New Carlisle, Mr. James Gillker, the gaoler, made report to me, about seven of the clock in the forenoon, that he just came from Thomas Man, esquire's, the old sheriff, with my best compliments, to ask him for the key of the room in the court hall where the fire arms are locked, as I needed the use of those arms immediately; and that the said Thomas Man, esq. told him positively and pointedly that he would not send me the key. About the same time, Captain James Chisholm came with intention of receiving orders, which I gave him in writing, in order that he should guard and cause to be guarded the house and premises of the defendant, that nothing might be taken out nor removed; but he said he absolutely needed arms. Therefore I wrote a letter by him to the said Thomas Man, requesting the said key, and he again sent me a positive refusal by the said Captain Chisholm; and moreover the said Thomas Man told Daniel Hall and Hugh Caldwell, two men whom Captain Chisholm had ordered on this service, that they were not obliged to go, as militiamen, on such service, neither did they need fire-arms, but that that was the duty of the constables with blue sticks: this they reported in presence of said Captain Chisholm, and James Gillker, and J. F. Deblois, esq., and said they could say so upon oath; and that therefore they did not know whether they were to obey the old sheriff or the young sheriff. Upon a report that the schooner on board of which Judge Thompson had embarked for Quebec had put back by contrary winds at Paspébiac, I sent thither with my procès-verbaux Nos. 1 & 2, and obtained an order for a *capias* against the said defendant, at about seven in the afternoon of the same day.

On Wednesday the 7th day of May instant, I waited on Amasa Bebee, esq., at the court hall, between ten and eleven o'clock in the forenoon for a *capias*, which I obtained between twelve and one o'clock. I then gave my warrant to Captain Chisholm, to be executed by him or any other person, for the apprehension of the said Timothy Lefforgie; and in the afternoon of this same day, Hector Morrison, who had the warrant, made an attempt to take and apprehend the said Lefforgie, with the assistance of William Rafter; but neither being armed, they could not take him, he being armed with a large stick, put them at defiance and escaped; the said Morrison and Rafter were on guard.

This day, being Thursday, the 8th day of May instant, reported by Neil McKinnon and Hugh Morrison, who were on guard last night, through Captain James Chisholm, that there was no person in the house of said Lefforgie, and that there appeared nothing in the house. At about one of the clock in the afternoon of this day, I went to the house and premises of the said Lefforgie, accompanied by Captain Chisholm, and knocked at the door, announced myself, and asked admittance; but the door and all the windows were shut, and no person appeared nor answered; therefore I could not enter the house in order to seize. I looked through the glass of all the windows, and saw that there was, or appeared to be, nothing in the house. I therefore find it unnecessary expense to keep guards about the house any longer.

New Carlisle, the 8th May 1828, at six o'clock in the afternoon.

J. Ferguson Winter, Sheriff.

(No. 10.)

Judgment in Cause No. 375.

No. 375.

William Carter *vs.* Timothy Lefforgie.

Judgment for 29*l.* 17*s.* 5*d.* currency, for causes stated in plaintiff's declaration, with interest from day of service and costs of suit.

31st September 1828.

(paraphé) *J. G. T.*

Copy of Judgment.

Correspondence
respecting
Mr. Thompson.

(No. 11.)

MEMORANDUM of Sheriff's Costs, Charges and Disbursements in Cause No. 375.

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

Cause No. 375.

William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant.

1828 :	Dr. to Sheriff :	£.	s.	d.	
May — - -	To service and return (<i>saisie arrêt simple</i>) - - -	-	11	8	
	To signification - - - - -	-	2	6	
	To mileage - - - - -	-	2	-	
	To Robert Smollett, for attending, assisting, and guard- ing the property and premises of the defendant, for several times and days after resistance was offered -	1	-	-	
	To Henry Kempfer, for guarding property and premises part of a day and a night - - - - -	-	10	-	
	To two procès-verbaux, in consequence of reiterated re- sistance - - - - -	1	-	-	
May 7 - -	To paid Amasa Bebee, esq., prothonotary, for a <i>capias</i> against defendant - - - - -	-	2	6	
	To service and return of <i>capias</i> - - - - -	-	11	8	
	To signification - - - - -	-	2	6	
	To mileage to and fro, about eight leagues - - - - -	1	4	-	
	To another procès-verbal - - - - -	-	10	-	
	To forwarding and expediting seven warrants to different parts, to apprehend defendant - - - - -	3	10	-	
	To James Gillker and Son, for attendance with horse and cabriolet, five different times and different days -	2	10	-	
May 8 & 9 -	To James Chisholm, captain of militia, for guarding, at- tendance and services, three days, and for ditto, of two different men at a time for two days and two nights	5	-	-	
	To eight days of the sheriff's necessary attendance after the time required, and more than the time required, in consequence of delay and resistance of the defendant and others, to the execution of the writ, &c. - - -	16	-	-	
		£.	32	16	10
	Off - - - - -		16	-	-
		£.	16	16	10

Paspébiac, Sheriff's Office,
12th May 1828.

J. Ferguson Winter,
Sheriff.

The above named sheriff maketh oath and saith, that the disbursements mentioned in the above bill were by him contracted and disbursed.

J. Ferguson Winter.

Sworn before me at Paspébiac, this 24th April 1829.

John G. Thompson, Judge.

Taxed and allowed at the sum of 16l. 16s. 10d. currency.

Paspébiac, 24th April 1829.

John G. Thompson, Judge.

(No. 12.)

PETITION of Duncan Hay, one of the Creditors of James Ferguson Winter, and Act of Notoriety.

Province of Lower Canada, Inferior District of Gaspé.

To the Honourable John Gawler Thompson, Provincial Judge for the Inferior District of Gaspé.

The petition of the undersigned creditors of James Ferguson Winter, esq., heretofore of Paspébiac, in the county of Bonaventure, in the district of Gaspé, sheriff of the said district,

Humbly showeth,

That the said James Ferguson Winter, esq., late sheriff of this district, departed this district on or about the 1st September 1833; that the present residence of the said James Ferguson Winter is unknown.

That

That your Honor's petitioners have claims against the estate of the said James Ferguson Winter, which they are not able to enforce, owing to the premises aforesaid.

Wherefore your Honor's petitioners do conclude that your Honor be pleased to order a meeting of the friends of the said James Ferguson Winter, for the purpose of electing a curator to the estate of the said James Ferguson Winter; and, as in duty bound, shall pray.

Duncan Hay.

Let the friends of the said James Ferguson Winter, esq., appear before me at the court-hall at New Carlisle, on Thursday, the 19th instant, at the hour of 11 in the forenoon, for the purposes of the foregoing petition.

Jno. G. Thompson,
Prov. Judge.

Paspébiac, 18 February 1835.

On this day, the 18th of February, in the year of our Lord 1835, personally came before me, Robert Caldwell, esq., one of His Majesty's justices of the peace for the inferior district of Gaspé, acting by virtue of the Act of the Provincial Legislature of Lower Canada, empowering justices of the peace to act in the said district as public notaries; Daniel Marrett, of Carlisle, in the county of Bonaventure, and district aforesaid, carpenter; and John Marrett, of the same place, labourer, who did, in my presence, and in the presence of the undersigned witnesses, declare, that they know James Ferguson Winter, esq., formerly sheriff of the district of Gaspé; that it is to their knowledge that the said James Ferguson Winter left the district about 18 months ago, and that the said James Ferguson Winter hath since left the province of Lower Canada. The said Daniel Marrett and the said John Marrett have both signed this declaration, in the presence of Robert Wiley Fitton, esq., student at law, and François Langlois, of Paspébiac, labourer, who have also signed these presents, at New Carlisle, in the house of Duncan Hay.

(signed) *Daniel Marrett,*
John Marrett,
Robert Caldwell, J. P.

Witnesses, *François Langlois,*
Robt. W. Fitton.

(A true copy of the original.)

Robert Caldwell, J. P.

(No. 13.)

ACT OF CURATORSHIP of *Robert Sherar, Esq.* to the Absence of James Ferguson Winter.

In the year 1835, the 19th day of February, at the office of the prothonotary of the provincial court of the inferior district of Gaspé, at the hour of 10 in the forenoon, before us, the judge of the provincial court of the inferior district of Gaspé, appeared Duncan Hay, of New Carlisle, in the district of Gaspé, merchant, the petitioner, who did declare to us that in virtue of our ordinance or order at the foot of the petition to us presented, in order to elect a curator to the absent estate of James Ferguson Winter, esq., formerly sheriff of the inferior district of Gaspé, and to this end hath caused to be assembled before us, to wit, John M'Clellan, John Hardeley, esq., John Day, Daniel Marrett, Thomas B. Munro, Robert W. Fitton, John Robinson Hamilton, esq., requesting us in their presence to receive their advice on the said election. And the above named being then and there present, we did cause the said petition to be read to them, and did take and receive from them the usual and customary oath; and after the said oath taken, they did unanimously say that they are of opinion that Robert Sherar, esq., be curator to the absent estate of the said James Ferguson Winter, esq., who being then here present, did voluntarily accept the said charges, and promised each respectively to discharge their duty therein under the customary and usual oath, and did

John M'Clellan,
John Hardeley,
John Day,
Daniel Marrett,

Thomas B. Munro,
R. W. Fitton,
John R. Hamilton,
Robert Sherar, Curator.

Whereupon we, judge aforesaid, have homologated and confirmed, and do homologate and confirm the above advice (*avis*), and in conformity thereto, declare that Robert Sherar, esq., shall be and remain curator to the absence of the said James Ferguson Winter, to the effect of regulating and governing his property.

Jno. G. Thompson,
Prov. Judge.

Correspondence
respecting
Mr. Thompson.

Correspondence
respecting
Mr. Thompson.

(No. 14.)

AFFIDAVITS of *William Marsden, Germain La Prise, George Wright, the Widow of Edward Green, François Pelletier, Duncan M'Keachney, and James Ferguson Winter.*

BEFORE me, Louis Massue, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in Quebec, personally came and appeared, William Marsden, esq., physician and surgeon, of the city of Quebec aforesaid, and being duly sworn on the Holy Evangelists of Almighty God, did depose and say, that he knows James Ferguson Winter, esq., ex-sheriff of the district of Gaspé, to have been in Quebec, from or before the month of February 1833 till the latter part of the year 1834, and within that time to have lived at Blucher's-inn, kept by John Vannovous, in the Upper Town of Quebec, and that he believes the said James Ferguson Winter never absented himself from the province of Lower Canada during that period, nor since, to this time, and he is still in Quebec, in St. John's Suburbs, No. 6, Artillery-street, at Widow Edward Green's.

Wm. Marsden.

Sworn before me at Quebec, this 25th day of April 1835.

L. Massue, J. P.

Personally appeared before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec, Germain Dagnau dit La Prise, of the same town of Quebec, tavern-keeper, keeping the Gaspé-inn, who being duly sworn upon the Holy Evangelists, doth depose and say, that he has known James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esquire, ever since about the end of November 1832, or the beginning of December of the same year; at which period he, the said James Ferguson Winter, came to live at the house of one Louis Simard, trader and tavern-keeper, situate in St. Paul's-street, opposite to the New Market, at which house he, this deponent, was there also; that the said James Ferguson Winter left the house of the said Louis Simard about the end of the month of January 1833, and went to live at the house of one John Vannovous, at the Blucher-inn, in the Upper Town of Quebec, where this deponent often saw him until about the end of the year 1834, and that he now lives in St. John's Suburbs, and has never absented himself from the province of Lower Canada since his arrival in Quebec as aforesaid.

Deponent hath signed,

Germain La Prise.

Sworn before me at Quebec the 4th May 1835.

Mich. Clouet, J. P.

Before me, Michel Clouet, esq., one of His Majesty's justices of the peace, for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec, personally came and appeared, George Wright, of the city of Quebec, printer, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that he knows James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esq., and that to his, deponent's, certain knowledge, he, the said James Ferguson Winter, has boarded and lodged at Blucher's-inn, Upper Town, Quebec, kept by John Vannovous, from the beginning of the year 1833, without interruption, till the 30th day of the month of November 1834; that in the afternoon of this very same day, being Sunday, he, deponent, accompanied the said James Ferguson Winter, at Mount Pleasant Hotel, where the said James Ferguson Winter boarded and lodged for eight or nine days, and thence removed and went to board and lodge at Widow Edward Green's, in St. John's Suburbs, No. 6, Artillery-street, where he has remained ever since to this time. Deponent further saith, from his certain knowledge, that it was never the intention of the said James Ferguson Winter to abscond or absent himself from the province of Lower Canada; and that he has not from nor during those periods absented himself from the province of Lower Canada. Further deponent saith not.

George Wright.

Sworn to before me, at Quebec, this 4th day of May 1835.

Mich. Clouet, J. P.

Before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec personally came and appeared Deborah Dobbin, widow of the late Edward Green, in his lifetime of Quebec, carpenter, who, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that she has known James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esq., for several months past; and that to her knowledge he has boarded and lodged a long time, before he lodged at her house,

house, at an inn kept by one John Vannovous, in the Upper Town of Quebec; that he came to board and lodge at her house, in St. John's Suburbs, Artillery-street, No. 6, about the 8th or 9th of the month of December last, where he is still; and that since she has known him he has not absented himself from the province of Lower Canada. Further deponent saith not.

Correspondence
respecting
Mr. Thompson.

Widow Ed. Green.

Sworn to before me, at Quebec, this 4th of May 1835,

Mich. Clouet, J. P.

Personally appeared before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing at Quebec, this 25th day of April in the year of our Lord 1835, François Pelletier, esq., of the Lower Town of Quebec, merchant, who being duly sworn upon the Holy Evangelists, deposeth and saith, that he knows James Ferguson Winter, ex-sheriff of the district of Gaspé, in this province, esquire, and to his knowledge the said James Ferguson Winter, since his arrival in Quebec from the district of Gaspé, has not absented himself from the said province of Lower Canada, and that he at present resides at Quebec.

François Pelletier.

Sworn before me, at Quebec, this 25th day of April 1835,

Mich. Clouet, J. P.

Before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec, personally came and appeared Duncan M'Keachney, keeper of Mount Pleasant Hotel, at the extremity of St. John's Suburbs, within the precincts of the said city of Quebec, who, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that he knows James Ferguson Winter, ex-sheriff of the district of Gaspé, in the said province of Lower Canada, esq.; that, on the evening of the 30th and last day of the month of November last, 1834, the said James Ferguson Winter did come and lodge at his said hotel for eight or nine days, having that day left Blucher's-inn, Upper Town, Quebec, kept by John Vannovous, where, to deponent's certain knowledge, the said James Ferguson Winter had boarded and lodged, without intermission, for a long time before he came to his house, and that on the 8th or 9th day of December last, the said James Ferguson Winter went to board and lodge at Widow Green's, No. 6, Artillery-street, St. John's Suburbs, where he lodges still, and that since deponent has known him he has never absented himself from the province of Lower Canada. Deponent further saith not, and has signed,

Duncan M'Keachney.

Sworn before me, at Quebec, this 4th of May 1835.

Mich. Clouet, J. P.

Personally appeared before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esq., who being duly sworn upon the Holy Evangelists, doth depose and say, that on the 4th day of November 1832, he embarked on board a schooner at Paspébiac, in the aforesaid district of Gaspé, to proceed to Quebec, where, after the utmost diligence, he arrived either on 30th day of the same month or on the 1st day of December of the same year, 1832, and that from that period to the present time, he, this deponent, hath never absented himself from the province of Lower Canada, but hath always resided in the city of Quebec, and in the St. John's Suburbs, within the precincts of the said city; the said deponent further saith, that he saw William Marsden, physician and surgeon, sign a certain deposition to which he was duly sworn by Louis Massue, esq., justice of the peace, and that he also saw the said Louis Massue, esq., affix his signature to the same, in his quality of justice of the peace, the 25th day of April last. The said deponent further saith, that he saw one George Wright, one Duncan M'Keachney, and the widow of one Edward Green, severally sign a deposition on the 4th of the present month of May, and that he saw the said deponents on the same day sworn by Michel Clouet, esq., justice of the peace, whom this deponent also saw affix his signature to each of the said depositions; and deponent further saith not.

J. Ferguson Winter.

Sworn before me, at Quebec, this 7th day of May 1835,

Mich. Clouet, J. P.

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respecting
Mr. Thompson

(No. 15.)

AFFIDAVIT to hold to bail of *John Robinson Hamilton*, in Cause No. 810. David Smith and Adam Brotherton, Plaintiffs, vs. Rufus Chamberlin, Defendant.

Province of Lower Canada, District of Gaspé.—In the Provincial Court.

810.

John Robinson Hamilton, of Carleton, in the county of Bonaventure, and district of Gaspé, advocate, lawful attorney of David Smith, of Hope Town, in the county and district aforesaid, farmer, and Adam Brotherton, of Paspébiac, in the said county and district, farmer, being duly sworn, doth depose and say, that Rufus Chamberlin, of Oak Point, in the county and district aforesaid, farmer, is personally indebted to the said David Smith and Adam Brotherton, in a sum exceeding 10*l.* currency, to wit, in the sum of 15*l.* currency.

That this deponent is credibly informed, hath every reason to believe, and doth verily in his conscience believe that the said Rufus Chamberlin is immediately about to leave the province, whereby the said David Smith and Adam Brotherton, without the benefit of a *capias ad respondendum* or attachment against the body of the said Rufus Chamberlin, may be deprived of their remedy against the said Rufus Chamberlin; and this deponent hath signed,

John R. Hamilton.

Sworn before me this 6th day of July 1831, and thereupon let a writ of *capias ad respondendum* issue against the body of the said Rufus Chamberlin.

Jno. G. Thompson,
Prov. Judge, Gaspé.

(No. 16.)

CAPIAS against *Rufus Chamberlin.*

Province of Lower Canada, Inferior District of Gaspé.

William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith,

To the Sheriff of our Inferior District of Gaspé, greeting,

810.

(L. s.)
(Signed) *Jno. G. Thompson,*
Prov. Judge, Gaspé. } We command you, that you take Rufus Chamberlin, of Oak Point, in the county of Bonaventure, in the district of Gaspé, farmer, if he may be found in your district, and him safely keep, so that you may have his body before us, in our provincial court for the inferior district of Gaspé, at Carlisle, in our said district, on Wednesday the 21st day of September next, to answer David Smith, of Hope Town, in the county and district aforesaid, farmer, and Adam Brotherton, of Paspébiac, in the said county and district, farmer, of the *demande* contained in the annexed declaration, and further to do and receive what, in our said court before us in this behalf, shall be considered, and have you then and there this writ.

Witness the Honourable John Gawler Thompson, our judge of our said provincial court for our said inferior district of Gaspé, at Carleton, the 6th day of July, in the first year of our reign.

(signed) *A. Bebee, P. P. C.*

(A true copy.)

Robert Smollett, Deputy Sheriff.

Issued upon the affidavit of John Robinson Hamilton, for the sum of 15*l.*

Carleton, 6 July 1831.

(signed) *A. Bebee, P. P. C.*

(A true copy.)

Robert Smollett, Deputy Sheriff.

(No. 17.)

PETITION of *François Langlois* and *Euphrosine Dugué*, Joint Tutors to the Minor Children of the late Jean Louis Laurent.

Province of Lower Canada, District of Gaspé.

To the Honourable John Gawler Thompson, Judge of His Majesty's Provincial Court for the District of Gaspé, &c. &c. &c.

The petition of François Langlois and Euphrosine Dugué, joint tutors, in due form of law appointed, to the minor children of the late Jean Louis Laurent,

Humbly showeth,

That heretofore, to wit, on the 8th day of September, in the year of our Lord 1830, at Paspébiac, in the district aforesaid, your petitioners had an inventory duly made and executed before witnesses, of the moveable and immoveable property belonging to the succession and community of the said late Jean Louis Laurent.

That it is necessary that the same be entered in full length, and recorded in the register of the prothonotary of the provincial court.

Wherefore your petitioners humbly pray that your Honor will be pleased to order that the same be entered in the register of the prothonotary of the provincial court, and shall pray.

Paspébiac, 9 September 1830.

Hamilton,
Atty. for Petitioners.

Let the above-named petitioners appear before me on Saturday next, the 11th day of September instant, at the court-hall at New Carlisle, in the said district, at the hour of 11 in the forenoon, for the purposes of the foregoing petition, at which time and place they will produce such witnesses as they may deem meet.

Paspébiac, 9 September 1830.

Jno. G. Thompson,
Prov. Judge, Gaspé.

(No. 18.)

INVENTORY of the Moveable and Immoveable Property of the Succession of the late Jean Louis Laurent.

Province of Lower Canada, District of Gaspé.

ON this day, the 8th day of September, in the year of our Lord 1830, before the undersigned witnesses, and Daniel Marrett, duly sworn as assessor (*priseur et estimateur*), personally came, appeared and were present, Euphrosine Dugué, widow of the late Jean Louis Laurent, in his lifetime of Paspébiac, mariner, and François Langlois, joint tutors, in due form of law appointed, to Euphrosine, Hélène and Caroline, minor children, issue of the marriage of the said Euphrosine Dugué, with the said late Jean Louis Laurent, which said Euphrosine Dugué and François Langlois did, the oath being previously tendered unto them, declare unto and before the said witnesses, that the after-mentioned articles comprise the whole of the moveable and immoveable property belonging to the succession and community of the said late Jean Louis Laurent, to wit :

	£.	s.	d.
1 stove irons, &c.	1	10	-
1 bed, bedstead and blankets	3	-	-
1 table	-	8	-
1 trunk	-	6	-
120 boards	3	-	-
30 planks	1	5	-
A lot of crockery	-	10	-
4 axes	-	12	-
2 iron kettles and 2 chaudrons	1	2	6
1 spade and 1 shovel	-	4	-
A frying-pan	-	2	-
1 large kettle	-	7	6
A lot of buckets and kettle	-	8	-
2 jars	-	2	-
1 box of books	-	3	-
2 jars oil	-	3	-
A lot of knives and forks	-	2	-

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1 gun	-	-	-	-	-	-	£.	s.	d.	
40 pieces of cedar	-	-	-	-	-	-	-	7	6	
1 cradle	-	-	-	-	-	-	3	-	-	
1 lamp and candlesticks	-	-	-	-	-	-	-	3	-	
1 cow	-	-	-	-	-	-	4	-	-	
1 heifer	-	-	-	-	-	-	1	-	-	
6 pigs	-	-	-	-	-	-	1	10	-	
2 tubs	-	-	-	-	-	-	-	3	-	
1 stage	-	-	-	-	-	-	2	-	-	
8 acres of land, with house, to be hereafter valued	-	-	-	-	-	-	-	-	-	
							£.	25	11	6

Which said inventory was so made and executed for the purpose of ascertaining the rights of the said minor children.

François Langlois, Tutor.
Daniel Mariett.
his
Joseph x Dugué.
mark.

her
Euprosine x Dugué.
mark.
his
Nicholas x Le Brasseur.
mark.
John R. Hamilton.

The foregoing inventory, containing three pages, was legally closed, after oath duly made, this 11th of September 1830. Before me,

Jno. G. Thompson,
Provincial Judge.

Enclosure No. 2, to DESPATCH from the Earl of Gosford, dated 6 December 1836.

NINTH REPORT of the STANDING COMMITTEE of GRIEVANCES.

The Standing Committee on Grievances, to whom were referred the Petition of Joseph François Deblois, Esq., Advocate, one of the Members of your Honourable House, charging the Honourable John Gawler Thompson, Judge of the Provincial Court of the Inferior District of Gaspé, with high Crimes and Misdemeanors, and other matters of reference, have agreed to the following Report, being the second relative to the said Petition :

Your committee have heard divers witnesses in support of the said petition, and have thought it necessary to cite in this report the names of those on whose evidence, joined to that deduced from the papers and documents in the possession of your committee, this report is founded. These witnesses are, J. C. Létourneau, Edouard Thibaudeau, and Joseph François Deblois, esqrs., Members of the Provincial Parliament of Lower Canada; Nicholas Boucher, Henry Bisset Johnston, and N. Freer, esqrs., justices of the peace; James Ferguson Winter, late sheriff of the inferior district of Gaspé; George Mellis Douglass, esq., physician; Messrs. Nicholas Allard, Pierre Tivierge, Louis Boulet, and André Dominique, masters of schooners and mariners; John Bissin, seaman; Germain Durand, trader; Etienne Lebreux, joiner; Patrick Enright, farmer; and John Green.

It was in the spring of the year 1827, that the Honourable John Gawler Thompson, judge of His Majesty's provincial court of the inferior district of Gaspé, arrived at Paspébiac, formerly in the county of Gaspé, and now in the county of Bonaventure, in the said inferior district, as successor to the Honourable Alexis Caron, in his lifetime judge of the said provincial court, who died at Paspébiac aforesaid, in the winter of the same year.

Your committee submit to your honourable House, that during the terms of the said provincial court at Percé, at Carleton, and at Douglas Town, in the county of Gaspé, then in the said inferior district, held in the months of July and August in the year 1827, the said Honourable John Gawler Thompson, being such judge as aforesaid, was not ashamed to offer to the inhabitants of the said several localities the revolting spectacle of a judge drunk upon the bench while the court was sitting, and incapable of performing his high judicial functions; and that within the strict meaning of the law, he could not and would not hold the term of the said court at Percé aforesaid, in the month and year above mentioned.

That subsequently to the term of the said provincial court held at Douglass Town aforesaid in the year 1827, until the term of the said court held at New Carlisle in the month of

of March 1832 (the place last mentioned being now within the county of Bonaventure, in the said inferior district), the scandalous conduct of the said judge was not so publicly notorious with regard to the immoderate use of intoxicating liquors; yet your committee cannot disguise the truth, and it is therefore their duty to inform your honourable House, that during the said space of time, at intervals, and at different terms of the said court held in the said inferior district, the said judge was several times seen drunk on the bench while the court was sitting, and that more frequently on divers other days, and during other sittings of the said court, the said judge was, from the immoderate use of spirituous liquors, in a state which convinced the advocates and attornies of the said provincial court, that the said judge was not fit to perform his judicial duties; for which reason the said advocates and attornies were induced to postpone the matters which were to be submitted at the several sittings of the said court. Your committee except the term of the said court held at Carleton aforesaid, in the month of July in the year 1831, when the conduct of the said judge was more strongly marked by intemperance, as well during the sittings of the court, as out of court, that is, when he was at chambers in the exercise of his judicial functions.

Your committee have satisfied themselves that at the term of the said court held at Carleton, in the county of Bonaventure, in the month of July in the year 1832, the said judge was several times drunk on the bench while the court was sitting; that at the greater part of the other sittings of the court, he was, from the immoderate use of spirituous liquors, in a state which rendered him incapable of performing his judicial functions; and lastly, that the public conduct of the said judge, during the said term, was so notoriously degrading, that His Majesty's subjects in that place openly testified the contempt they entertained for the said judge personally, and the little confidence they had in the judgments of the said provincial court.

That from the term of the said court held at Percé, in the county of Gaspé, in the said inferior district, in the month of August in the year 1832, to the term of the said court held at New Carlisle, in the said county of Bonaventure, in the said inferior district of Gaspé, in the year 1835, the intemperance of the said judge was not so public as in the month of July 1832; but your committee, from a sense of duty and a feeling of justice, cannot conceal from your honourable House, that it is proved that during that space of time, at divers intervals, and at different terms of the said court, held in the said inferior district of Gaspé, the said judge was several times seen drunk upon the bench while the court was sitting; that at other sittings of the said court the said judge was most frequently in a state bordering on drunkenness; and lastly, that the said judge, at divers other sittings of the said court, was, from the immoderate use of intoxicating liquors, still more frequently observed to be in a state which made it violently suspected that the said judge was not then fit to take cognizance of the business brought before the said provincial court; in consequence of which, the attornies and advocates of the said court postponed the consideration of business which might have been terminated, if the said judge had not been on these occasions under the influence of spirituous liquors.

Your committee thought it their duty to inquire what the public conduct of the said judge has been at chambers, during the vacations between the terms of the said provincial court, from his appointment as judge of the said inferior district of Gaspé, to the term of the said provincial court held in September last; and it was not long before your committee were convinced that the general conduct of the said judge has been marked by traits of drunkenness and intemperance, which have impeded the administration of justice in the said inferior district of Gaspé.

Struck by the various excesses of intemperance on the part of the said judge, during his residence in the said inferior district of Gaspé, your committee continued their researches, and they submit to your honourable House, as the result of these researches, that in those cases where the said judge has gone alone to the circuit courts in the said inferior district, he has invariably given way to great excesses of drunkenness; and that when he has been accompanied on the said circuits by a person who is attached to him by the most sacred ties, the intemperance of the said judge, without being so manifestly condemnable, has nevertheless been such as to render him unworthy to sit as a judge in any of His Majesty's courts of law.

It has been proved before your committee, that the said judge, ever since he has resided in the said inferior district of Gaspé, has been in the habit of proceeding to the several places where the courts of justice are held, only the day before the opening of the terms of the said courts, and of going away again immediately after the last sitting of the court, and that this has been the case at almost every term; in consequence of which, His Majesty's subjects in the said inferior district of Gaspé have been subjected to costs, expenses, delay, and even to heavy losses, contrary to the spirit of the provincial statutes of Lower Canada, relative to the jurisdiction and constitution of the said provincial court, the principal object of which was evidently to confer on His Majesty's said subjects the benefits arising from an administration of justice at once prompt and efficacious, cheap and sure.

Your committee have likewise ascertained that the said judge has, for more than seven years, resided at Paspébiac aforesaid; that the distance from the residence of the said judge to the court-house at New Carlisle, is about five miles; that His Majesty's subjects have been obliged to submit to serious inconvenience, to expense and to delay, when they have sought to secure their just rights at law, by writs of *capias ad respondendum*, or of *saisie arrêt simple*, or by other writs before judgment; that fraudulent debtors have, with greater facility, evaded their creditors, and escaped into the province of New Brunswick; and that these obstacles to the ends of justice, arising from local circumstances, might have

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been lessened in a great number of instances, and the expenses above mentioned avoided, if the said judge had fixed his residence at New Carlisle aforesaid.

It has been proved to the satisfaction of your committee, that the said judge has evinced a repugnance to, and neglected the performance of, his judicial duties, with regard to the despatch of the business commonly done at chambers; and that he has in this respect generally impeded the course of the law in the said inferior district.

Your committee think it right to point out that it has been clearly established that the said judge has, during his residence in the said inferior district, frequently left the seat of jurisdiction for the purpose of coming to Quebec, a distance of about 180 leagues from the said town of New Carlisle; and that this contempt for the due administration of justice has exposed His Majesty's faithful subjects in the said inferior district to the loss of their legal recourse against their debtors; and that in one case among others (that of William Carter, plaintiff, v. Timothy Lefforgie, defendant, No. 375,) the consequence has been a very considerable loss to the plaintiff.

Your committee perceive by the evidence, that at the beginning of October in the year 1827, the said judge refused his fiat for a writ of *capias ad respondendum* when he was duly required to grant it, namely, in an action brought by one Pierre Aubin against Pierre Duval, esq., of the island of Bonaventure, in the county of Gaspé, in the said inferior district, merchant; that in certain cases the said judge also illegally refused his fiat for writs of *saisie arrêt simple* and of *saisie arrêt*, and that after having refused such fiat, he subsequently granted it, but at a time when the plaintiff had virtually lost his recourse against his debtors, and that this happened in the month of July in the year 1828, in a certain cause wherein Robert Ferguson was plaintiff, and Robert Pitt, Samuel McKay and James McKay, defendants, and Andrew Dean and Hugh Aitkin, garnishees; and finally, that the said judge, in a certain other case, at first refused and delayed, and afterwards granted his fiat for a writ of *saisie revendication*, and this delay appears to your committee to have been one of the efficient causes of the loss of life of one Germain Dionne. This last cause, the number of which is 464, was brought in the said provincial court in November 1828; the deceased Germain Dionne was plaintiff, and William Pickford, defendant.

It appears to your committee that John Robinson Hamilton, esq., advocate, and nephew of the said judge, who is the same person as John R. Hamilton, made and executed on the 8th September in the year 1830, a certain inventory of the moveable and immoveable property belonging to the succession of the late Jean Louis Laurent, whose widow was then married again to one François Langlois; that this document was legally closed by the said judge on the 11th of September of the same year, and that on a petition addressed to the said judge, the said John Robinson Hamilton, esq., who is the same person as Hamilton the attorney of the petitioners, praying that the said inventory might be enregistered, the said judge granted his order accordingly, for the purpose of proceeding to the enregistration thereof. Your committee cannot avoid remarking that the perusal of these documents will convince your honourable House, that the said acts of the said judge are so many irrefragable witnesses of the absolute ignorance in point of legal knowledge, and of the judicial incapacity of the said judge.

The appointment and election of Robert Sherar, esq., curator, legally elected on the 19th of February last, at New Carlisle, in the prothonotary's office of the said provincial court, to James Ferguson Winter, esq., late sheriff of the inferior district of Gaspé, under the pretext that the latter had been absent for some months from the said inferior district, and that he had left the province of Lower Canada, attracted the serious attention of your committee, and they submit to your honourable House as their opinion, that the said judge acted on this occasion in an arbitrary and oppressive manner in his judicial capacity.

Your committee held it to be imperatively their duty to inquire into the causes of the arrest and imprisonment of Patrick Enright. They have found, that on the 7th or 8th of September last, this individual was confined in the common gaol at New Carlisle, under a writ of *capias ad respondendum* issued out of the said provincial court, at the suit of Peter Duval and another, formerly merchants in partnership, on an affidavit made by John Robinson Hamilton, esq., attorney *ad negotia* of the said plaintiffs; that the said Patrick Enright was so confined for the sum of 12 *l.* 15 *s.* 9 *d.*, which he alleges that he never owed the said Peter Duval and another. Your committee, without deciding this point, have come to the following conclusions: that the transaction which took place between the said judge and the said Patrick Enright was of a nature to compromise the said judge, inasmuch as the said Honourable John Gawler Thompson, the debtor of Patrick Enright, is the same person as the Honourable John Gawler Thompson, the judge aforesaid; that the circumstances which preceded, accompanied and followed the arrest and imprisonment of the said Patrick Enright, are calculated to excite doubts, fears and violent suspicions injurious to the ends of justice; that under such circumstances, the said judge could not, according to the spirit, nor even according to the letter of the fourth clause of the ordinance of the 25th year of the reign of His late Majesty George the Third, chapter 2, grant his fiat for the issuing of the said writ of *capias* against the said Patrick Enright, and that the said judge, in granting the said fiat, forgot his judicial duty, and violated the enactments of the said ordinance. This clause is intitled, Peter Duval and another, plaintiffs, against Patrick Enright, defendant, and bears the No. 177.

Your committee cannot abstain from submitting to your honourable House, that several grave charges contained in the petition aforesaid, have already been so proved as to leave no doubt of their truth, and that they are of a nature to require even the removal of the said judge

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judge; that it is but too certain that His Majesty's subjects in the said inferior district have been exposed to infinite evils, in consequence of the intemperance, the ignorance, and the arbitrary acts of the said Honourable John Gawler Thompson in his judicial capacity; that by reason of the distance between the several localities, and the difficulties presented by the internal communications at the season of the year when the provincial Parliament is usually called together in this country, and in consequence of the necessity of instituting a long and minute inquiry on all the allegations contained in the said petition, for the purpose of applying a proper remedy and removing for ever the evils which have for so long a time pressed upon the inhabitants of the said inferior district, and above all, of insuring full and complete justice to the accuser and the accused, while the said judge shall be prevented from prolonging, during the inquiry, the calamities which have afflicted and still afflict His Majesty's faithful subjects in the said inferior district, the rules of strict justice imperiously require that preliminary means be adopted for the provisional protection of the public liberty against the said judge; and it is therefore the opinion of your committee, that the public good requires that the said judge should be provisionally suspended from the exercise of his judicial functions, until his absolute removal, if justice shall demand it, shall be finally and solemnly determined on.

That your committee have agreed to report to your honourable house the following resolutions which they have adopted, saving to themselves the right of continuing their inquiry, in conformity to the injunction of your honourable house:—

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has been guilty of a contempt of the laws of the country, by evincing repugnance, negligence, and unpardonable indifference to the performance of certain portions of his judicial duty; and that he has, by his general conduct, opposed numerous obstacles to the dispatch of business and to the due administration of justice, to the great detriment of the interests of His Majesty's subjects in the said inferior district of Gaspé.

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has been guilty of a shameful neglect of duty and of malversation in the exercise of his said judicial functions, having, among other things, arrested and impeded the due course of the law, by illegally delaying and refusing his ministry to several of His Majesty's subjects in the said inferior district of Gaspé.

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has in his judicial capacity violated the enactments of the statutes of the province of Lower Canada relating to the jurisdiction and constitution of His Majesty's provincial court of the inferior district of Gaspé, and the rights and privileges inherent to all His Majesty's subjects, and solemnly guaranteed to them by the Bill of Rights; because the said judge, in consequence of his intemperance, has rendered himself incompetent to hold several of the terms of the said provincial court; and because, owing to the same cause, the said judge has only imperfectly held divers other terms of His Majesty's said provincial court of the said inferior district.

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has, in consequence of his intemperance on the bench and while the court was sitting, been guilty of conduct which renders him unworthy of His Majesty's confidence, and that he cannot hold the office of judge in this province in a manner compatible with the honour of His Majesty's Government and the interests of the people of this country.

Resolved, That it is the opinion of this committee, that an humble address be presented to his Excellency the Governor-in-chief, praying him to use the powers vested in him by his commission for the purpose of provisionally suspending the said Honourable John Gawler Thompson, judge of His Majesty's provincial court of the inferior district of Gaspé, from the exercise of his judicial functions during the continuance of the inquiry on the petition aforesaid, and until the final removal of the said judge may be solemnly awarded by the proper authorities.

The whole nevertheless humbly submitted.

5 March 1836.

J. C. Letourneau, Chairman.

Enclosure, No. 3, to DESPATCH from the Earl of Gosford, dated 6 December 1836.

May it please your Excellency, Quebec, 31 October 1836.
In obedience to the commands of your Excellency, conveyed to me in the letter of Mr. Secretary Walcott of the 14th May last, directing me to furnish such explanations and defence to the charges advanced against me, accompanying an address of the House of Assembly received by your Excellency on the 16th March last, as it might be in my power to offer, I have the honour to submit to your Excellency, for your consideration, the following statement and explanation.

I would premise, that immediately upon the receipt of Mr. Secretary Walcott's letter I would have lost no time in preparing this statement, if I had not been prevented by the want of important documents, which could only be had at Quebec; and your Excellency having been pleased to convey to me, in Mr. Secretary Walcott's letter of the 22d of August last, in answer to my letter of the 2d of the same month, permission to absent myself from the district of Gaspé at the end of the term then sitting, to facilitate my obtaining these

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documents, I arrived at Quebec on the 21st instant, and have since been diligently employed in enabling myself to comply with the desire of your Excellency.

In common with other judges and public officers of His Majesty, I am assailed by charges founded upon *ex parte* examinations, unchecked by the sanction of an oath, without any opportunity of cross-examining the persons produced against me, or of offering exculpatory evidence, before a body of which my accuser is a member, having the command of the whole of the funds of the province to aid him in his vindictive accusation, and having the choice of whomsoever he pleased as witnesses, if that term can be applied to individuals so selected. Besides these grave inconveniences, I am exposed to others peculiar to my own situation. The judicial duties which I am called upon to discharge are performed at various and widely distant places of a remote district, with a mixed and to a certain extent transient population, having few persons of education to whom I can look for support, and with a bar limited in number and circumscribed in its practice, amongst whose members are found my accuser and his principal condjutor. The situation of a judge would be unenviable indeed, if not only his office but his honour can be thus jeopardized. In entering, then, upon the explanations required by your Excellency, I beg most respectfully to say, that I do so from duty to your Excellency as the representative of His Majesty in these provinces, and from a sense of what I owe to my own feelings and reputation, without, however, meaning to forego any of those just means of defence which the law assures to all the King's subjects, without distinction of rank or station.

The charges preferred against me are four in number; and, that I may not incur the risk of mis-stating them, I give them in the words of the Assembly. I am accused,

1st. Of having been guilty of a contempt of the laws of the country, by evincing repugnance, negligence and unpardonable indifference to the performance of certain portions of my judicial duty, and of having by my general conduct opposed numerous obstacles to the dispatch of business and to the due administration of justice, to the great detriment of the interests of His Majesty's subjects in the inferior district of Gaspé.

2d. Of having in my judicial capacity been guilty of a shameful neglect of duty and of malversation in the exercise of my judicial functions, having, among other things, arrested and impeded the due course of the law, by illegally delaying and refusing my ministry to several of His Majesty's subjects in the inferior district of Gaspé.

3d. Of having in my judicial capacity violated the enactments of the statutes of the province of Lower Canada relating to the jurisdiction and constitution of His Majesty's provincial court of the inferior district of Gaspé, and the rights and privileges inherent to all His Majesty's subjects, and solemnly guaranteed to them by the Bill of Rights, in having, in consequence of intemperance, rendered myself incompetent to hold several of the terms of the said provincial court, and, owing to the same cause, in having only imperfectly held divers other terms of His Majesty's said provincial court.

4th. That I have, in consequence of my intemperance, on the bench and while the court was sitting, been guilty of conduct which renders me unworthy of His Majesty's confidence, and that I cannot hold the office of judge in this province in a manner compatible with the honour of His Majesty's Government and the interests of the people of this country.

Of the 43 printed pages of examinations taken before the committee, 24 pages are occupied with the examination of Mr. Joseph François Deblois, the accuser of Mr. James Ferguson Winter, who had been sheriff of the district and deprived of his office for misconduct, and of the late Mr. Edouard Thibaudeau, in his lifetime a practitioner at Gaspé and a member of the Assembly. Of the remaining 14 witnesses who speak to facts at all material, some were persons who had been suitors or interested in suits determined in the court at Gaspé; and were dissatisfied with the determination given in their particular causes; others of notoriously bad character, and several of a rank in life not entitling them to credence upon their mere word. The statements of nearly all embrace facts which are alleged to have occurred as far back as the year 1827, and in 1828 received the investigation of his Excellency the Earl of Dalhousie, then Governor-in-chief in these provinces, and from which I stood exculpated by his Excellency after due examination. The charges then made were preferred by two or three persons unknown to me, whose complaints were not supported by any of the practitioners at the bar or officers of the court, including Mr. Joseph François Deblois, the late Mr. Edouard Thibaudeau, and Mr. James Ferguson Winter, the late sheriff of the district. Subsequently to the period when the facts complained of were alleged to have occurred, Mr. Deblois, unsolicited by me, and certainly very unexpectedly, volunteered to write a letter to me expressive of the great satisfaction which he had in seeing me occupy the seat of judge of the district, and apprizing me of the dangers to which that situation was exposed. Mr. Deblois was at this time, and continued for some time afterwards, in respectable practice in the district, and I had no reason, down to a comparatively late period of time, to believe that he was in any way dissatisfied with the manner in which I had discharged my official duties. The introduction of a new competitor for public favour in the profession in the person of Mr. Hamilton, who had previously been returned as a member to the House of Assembly for one of the two counties within the district, and the favourable manner in which he was received as a practitioner, followed by a material diminution approaching to a total loss of Mr. Deblois's practice, seem to have excited sentiments in the breast of Mr. Deblois, which were soon converted into personal hostility towards myself. Down to the time that Mr. Deblois, as member of the Assembly, preferred the present complaints against me, I had no reason to believe that the late Mr. Edouard Thibaudeau was dissatisfied with my judicial conduct. In a petition presented by him to the Assembly, and dated the 19th of October 1829, purporting to contain a statement of all the grievances

Accompanying
Document (B.)

Letter dated at New
Carlisle, 27 April
1828, Document
(B.)

Accompanying
Document (C.)

of the district, no complaint is made against me. Mr. James Ferguson Winter, the third person abovenamed, also an officer of my court, had conducted himself with so much impropriety, that in consequence representations proceeding from various sources, his Excellency Lord Aylmer, whilst Governor-in-chief over these provinces, dismissed him from his office as sheriff of the district; and it is from the epoch of these complaints, and of the report which I was officially required to make upon them, that his hostility dates. Previous thereto he had, in 1828, in the most formal manner, contradicted the rumours prejudicial to my character, which are now renewed, and affixed his signature to an address establishing the contrary. It is no small aggravation of the hardship of the main charge, that it should have proceeded from or be supported by two individuals of the habits of the late Mr. Edouard Thibaudeau and Mr. James Ferguson Winter, the unfortunate passion of the former of whom for spirituous liquors has, I regret to say, led to a premature death, and the latter of whom is altogether lost to society, and reduced to the lowest state of degradation, by habitual and unrestrained drunkenness.

The two first of the foregoing charges, in vague and general terms, accuse me of opposing numerous obstacles to the dispatch of business, and to the administration of justice, and of having impeded the due course of law, by illegally delaying and refusing my ministry to several of His Majesty's subjects in the district. There is no specification contained in the charges, and I am left to gather from the report of the committee the facts upon which these charges are predicated.

It is made a subject of complaint against me in the report, that ever since my residence in the district, I have been in the habit of proceeding to the several places where the courts of justice are held only the day before the opening of the terms of the courts, and of going away again immediately after the last sitting of the court, and that this has been the case at almost every term.

Judges upon circuit are generally considered to have discharged their duty if they are present at the times fixed by law for the circuits, and then perform the duties which the law imposes upon them. I am not aware that my presence at other times previous or subsequent to the periods fixed for the circuits was required, or would be useful. Previous to the opening of the court and receiving the returns, no judicial act can be done by me. Time for ministerial acts is afforded during the 10 days of the sitting of the court. At its termination my judicial duties end, and the parties receive from the prothonotary, after the period limited by law, execution upon the judgments rendered. If, after having discharged my duty at the place fixed for one of the sittings of the court, I had delayed my departure for the next place of sittings, I must have incurred the risk of being too late for the second or other circuit court, and might have subjected myself to just blame.

The inconveniences stated by Mr. Thibaudeau and Mr. Deblois to arise from my not remaining longer at the places where the different circuits are held, relate to the issuing of writs of summons, of writs of *saisie* before judgment, and of writs of execution after judgment. Now, the place where the office of the prothonotary is held, the records of the court kept, and where the officers of the court and attorneys reside, is New Carlisle, within five miles of which place I myself reside. The spirit which dictated these accusations may be judged of from its being made a subject of accusation against me, that after the expiration of the 10 days of the sitting of the court, I did not remain some indefinite period to issue writs, which in the usual course and practice of the court are regularly sued out at New Carlisle. As no complaint could be, so none was ever made to me on this head.

A like spirit has dictated the next subject of complaint in the report, which is, that my place of residence is five miles from the courthouse in New Carlisle. The report conveyed to me the first intimation that any inconvenience was supposed to have arisen to the practitioners or suitors from the situation of my place of residence. In a country so new, five miles are comparatively a very short distance, and the range of selection of places of residence is extremely limited. My immediate predecessor, the late Honourable Mr. Caron, during the time that he filled the situation of judge of the district, occupied a house in the immediate neighbourhood of and a little beyond that which I have occupied. His predecessor, the late Judge Crawford, resided also out of New Carlisle, and at a distance of about three miles from it. I have, besides, a stated day of attendance at the courthouse in New Carlisle, for the ordinary chamber business. The number of writs of *capias* or attachment issued out of the court at New Carlisle in the year is not considerable; and I have no reason to believe that the distance of my residence has produced any inconvenience to suitors in this respect.

The next ground of complaint in the report is alleged repugnance to and neglect of my judicial duties in the dispatch of business commonly done at chambers. This charge is met by an unqualified denegation.

The committee complain also, that during my residence in the district I have frequently left the seat of jurisdiction for the purpose of coming to Quebec, a distance of about 180 leagues from the town of New Carlisle, whereby creditors were subjected to the loss of their legal recourse against their debtors; and that in one case among others, that of William Carter, plaintiff, against Timothy Leforgie, defendant (No. 375), the consequence had been a very considerable loss to the plaintiff.

Like my predecessors, I have occasionally visited Quebec upon my necessary business. In no instance have I done so without the approval of the head of the government for the time being. I am not aware of any inconvenience having arisen therefrom to private suitors. The only case specified in the report of the committee is the abovementioned case of Carter against Leforgie. In this case Mr. Deblois was the attorney for the plaintiff, and the alleged facts

Correspondence
respecting
Mr. Thompson.

Accompanying
Document (D.)

Accompanying
Document (E.)

Accompanying
Document (E.)

Accompanying
Document (A.),
No. 13.

facts relating to this case rest upon his own statements, which I am constrained to say are untrue. I beg to refer to the affidavit of his client, Mr. Carter, herewith submitted, as establishing, that in this, as in other instances, Mr. Deblois misled the committee as to matters of fact, and that I am entirely innocent of the offence with which he charges me. I may add, that if inconvenience had arisen from my absence, however much I might feel for the party suffering such inconvenience, the absence which might have given occasion to it, being with permission from the proper authority, could not be considered a culpable dereliction of duty on my part.

The committee next specify, as an act of official misconduct on my part, my refusal, in the beginning of October 1827, of a fiat for a writ of *capias* in an action brought by Pierre Aubin against Pierre Duval. My refusal in the first instance, and the granting after some delay, in the month of July 1828, when the plaintiff had virtually lost his recourse against his debtors, of a fiat for writs of *arrêt simple* and *saisie arrêt*, in a cause wherein Robert Ferguson was plaintiff and Robert Pitt and others were defendants, and Andrew Dean and another, garnishees; and, lastly, my refusing and delaying, but afterwards granting, in the month of November 1828, my fiat for a writ of revendication in a suit wherein the late Germain Diorme was plaintiff, and William Pickford defendant.

In the first of these cases, the affidavit presented to me by Mr. Deblois's client, Pierre Aubin, did not appear to me to be in law sufficient to entitle him to a *capias*. According to my recollection of this case, the claim set up by Pierre Aubin was in damages for a trespass committed by Pierre Duval, in seizing and selling goods belonging to Pierre Aubin, under colour of a judgment rendered in Jersey or Guernsey in favour of the former against the latter. The statute authorizing the arrest of the person by mesne process only in cases of debt, I did not feel myself authorized to grant the *capias*, and accordingly refused it.

The facts alleged to have occurred in the case of Ferguson against Pitt and others, as stated by Mr. Deblois, Mr. Winter and Mr. Thibaudeau, have no foundation in truth; and here again I have it in my power to rebut the assertions of Mr. Deblois by the affidavit of Mr. Ferguson, the gentleman who employed him in that case, transmitted herewith.

In the last case, of Diorme against Pickford, I declined, in the first instance, signing the fiat, under an impression, from what was stated to me by the party applying for the writ, that the timber which he was desirous of seizing had been worked up, and formed part of a ship building for the defendant. Upon subsequent explanation received from Mr. Deblois, the plaintiff's attorney, I granted the fiat.

These constitute all the acts which the diligence of the accuser has been able to specify, as supporting the first and second charges. Out of the multitude of causes brought before me during a period of nine years that I filled the situation of judge of the district of Gaspé, I may perhaps be permitted to offer, as presumptive evidence of attention on my part to my official duties, that so small a number of cases have even been brought into question by my accuser, who had such abundant means of detecting and specifying irregularities, if they had existed. But I trust it will be found that my innocence of these charges does not rest upon a mere presumption, and that I have shown that, in the instances specified in the report, I am wholly free from blame.

Over and above the matters contained in the charges, there are in the report complaints which I should be justified in passing over in silence; but in justice to my own feelings I cannot do so. They are,

- 1st. The closing and order for enregistrement of the inventory of the widow of one Jean Louis Laurent.
 - 2d. The appointment by me of a curator to James Ferguson Winter as an absentee.
- And,
- 3d. My having given a draft on the cashier of the Quebec Bank, payable to Patrick Enright or bearer, on the 10th of October 1834, which was not paid.

As to the first of these complaints, I would observe that, in a district circumstanced as Gaspé is, it is not easy for the inhabitants to cause inventories to be made, when required by the law of this country, in the form in which that law enjoins. I have never felt myself at liberty to refuse the closing and enregistrement of inventories produced by the survivor of married parties, in whatever form the inventory might be made, the party enregistering the inventory at his or her own peril; and even where the inventory was insufficient for certain legal purposes, such as that of determining the community, it might and usually would form an important piece of evidence in the liquidating and settling the respective claims of the heirs of the deceased husband or wife and the survivor. So far then from taking blame to myself for this proceeding, I conceive that I should have been highly culpable if I had acted otherwise than in the manner I have done; yet my acts in relation to this inventory are referred to by the committee as "so many irrefragable witnesses of the absolute ignorance in point of legal knowledge, and of the judicial incapacity of the judge of the district of Gaspé."

Then as to the appointment of a curator to James Ferguson Winter. On the 18th February 1835, a petition was presented to me, praying that a curator might be appointed to the estate of James Ferguson Winter, as an absentee, by one of his creditors. This petition was accompanied by an affidavit on the part of one Daniel Marrett and one John Marrett, stating that it was to their knowledge that the said James Ferguson Winter had left the district about 18 months before the making of the affidavit, and that he had since left the province of Lower Canada. Upon this petition and affidavit, I could not do otherwise than give the usual order for calling together the friends of the party, to give their advice as to the election of a curator, and upon their subsequently appearing before me on the 19th of the same month

Accompanying
Document (A.),
No. 14.

month of February pursuant to this order, and electing Robert Sherar as curator, I confirmed the appointment as the law required. It appears by affidavits subjoined to the report of the committee, of various individuals resident at Quebec, and taken in the following months of April and May, that at the time when the curator was so appointed, he, James Ferguson Winter, was living at a tavern in Quebec. But this was a fact of which I had no judicial nor even personal consance at the time when the appointment was made.

There has been introduced into the report a private transaction altogether unconnected with my official duties, relating to a draft drawn by me, in favour of one Patrick Enright, upon the cashier of the Quebec Bank. Since the year 1832 Mr. Freer, the cashier of that bank, has held a power of attorney to receive my salary from Government. Expecting that Mr. Freer would receive the amount of my warrant on the 10th October 1834, I made the draft in question in June, payable on the 10th October of that year, on the faith of the Government warrant to issue in my favour. I was justified in this expectation by a paragraph in the Quebec Gazette, of Mr. Neilson, of the 16th April 1834. However much I do regret the inconvenience to which Mr. Enright was put by the nonpayment of this draft at maturity, it arose from circumstances over which I could exercise no control, and is but one of the many remote mischiefs suffered by innocent persons from the nonpayment of public officers. The draft in question was given by me to accommodate my landlord, and to be applied to the payment of rent which had accrued, and was to accrue, my landlord owing this sum to Patrick Enright. The statements made by Patrick Enright as to what occurred between him and myself at my house after his return to Gaspé, are altogether incorrect, though I am willing to believe that they proceed from the misconceptions of an uneducated and suspicious mind. With respect to his subsequent arrest at the suit of one Peter Duval, I could not in any manner interfere with it otherwise than by advancing money to satisfy the claim, the justice of which Patrick Enright denied, and which in my dearth of money it would not have been in my power to do. It is painful to be obliged to enter into details so purely personal as these, but I have felt it my duty to leave no part of the report, however irrelevant, unanswered.

In the two last charges of the Assembly, I am accused of habits of intemperance, which rendered me incompetent to hold several of the terms of the court, and made me hold divers other terms imperfectly, and of having, in consequence of intemperance, on the bench and while the court was sitting, been guilty of improper conduct.

On a charge so general as this, covering a period of upwards of nine years, and embracing every portion of my life, public and private, during that time, unscrupulous accusers have many advantages, and it becomes necessary to examine and weigh the character and credit of the persons by whom the accusation is supported.

It is in relation to this charge that the statements of Mr. Deblois, of the late Mr. Thibaudau, and of Mr. James Ferguson Winter, and the credit due to those persons, are required to be particularly considered. The statements of these gentlemen apply, in the first instance, to the alleged acts of intemperance in the year 1827, and to the failure of the sittings of the court in consequence thereof. Now, in the month of April 1828, Mr. Deblois wrote to me the letter of compliment and civility already adverted to. Mr. James Ferguson Winter, about the same time, upon occasion of some secret complaints having been made against me to the Earl of Dalhousie, took an active part in defending my character and conduct, in a petition signed by himself and by about 140 of respectable inhabitants of the district. It has already been stated that Mr. Thibaudau, in the petition bearing date the 29th October 1829, purporting to contain all the grievances of the district, had not felt himself authorized to introduce any complaints against me. It is thus that these individuals have raked up and given new currency to calumnies which they had themselves, from a mere sense of justice, on a previous occasion discountenanced and contributed to put down. The accusatorial spirit which pervades the examination of these gentlemen cannot be overlooked; but the opinions recorded by two of them in 1828, so soon after the facts complained of are alleged to have occurred, must render innocuous the contradictory statements now put forward by them. As to Mr. Deblois, it is further to be observed, that at a later period he was actively employed in attempting to obtain signatures against me, praying for my removal, frequently saying, that if he could obtain my removal, he would succeed to my office; that he, my accuser, was one of the members of the committee by whom this report was made, and that a great part of the evidence and report was written by him. I have already had it in my power to show that the statements of Mr. Deblois were untrue in other particulars, and as to facts where his mis-statements must have been wilful. He can, therefore, be entitled to but little credence when speaking as to my general character and conduct.

If the object of the accuser had been to obtain the truth, he would have caused to come before the committee men of character having a stake in the country, magistrates and others, whose statements could be depended upon; he would have abstained from taking the examinations of low and illiterate persons, still less of any one of notoriously bad character; he would have placed upon the files of the committee the examinations of those who were favourable to me, as well as those who were otherwise. To witnesses of undoubted honour and respectability he would have put questions to bring out all the material facts to which they could speak, and would have been careful that there should be no suppression of facts tending to my justification. How far the accuser has observed this course will appear from a succinct review of the examinations upon which the report and charges are founded.

The first person produced by Mr. Deblois is Mr. Nicholas Boucher. Passing over the alleged rumours of intemperance on my part, which were circulated by Mr. Deblois himself, the fact which he was called upon to establish is, that though I came to Percé in 1827, no

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respecting
Mr. Thompson.

Accompanying
Document (F.)

Accompanying
Document (B.)
Ibid.

Accompanying
Document (C.)

Affidavit of Joseph
Beit, Document
(A.), No. 15.

Affidavit of Jacques
Lamy, (A.), No. 18.

Affidavit of Amasa Bebee, (A.), No. 1.

court was held there at that time. Mr. Boucher had learned that I, finding myself unwell, had returned to Paspébiac, in the schooner *La Reine*, Charles Poirrier, master. Now, Mr. Deblois knew that I left Percé on the second day of the term, unwell, and that there were no writs returnable before the court. This was the first circuit after my appointment, and the prothonotary, not knowing my christian name, could not fill up the *teste* of the writs; in consequence of which the attornies, amongst these Mr. Deblois himself, requested the returns to be made at Douglas Town, which was accordingly done. The report of my having been intoxicated in going on board this vessel ought not to have been inserted in the examination of Mr. Boucher, as my character was thus implicated by mere hearsay. Mr. Deblois must have known that this was not evidence; but not only were statements received against me which were inadmissible, but the examination before the committee of Mr. Charles Poirrier, proving the falsehood of these rumours, was most unwarrantably suppressed. None of the other persons on board the vessel were produced or examined before the committee. If they had been so, the falsity of this rumour would have been apparent.

Accompanying Document (A.), No. 26.

Mr. Henry Bisset Johnston, the second witness, is, I have reason to believe, one of the two or three persons who, in 1827, secretly preferred complaints against me at the civil secretary's office. So far as these complaints relate to 1827, he here repeats them, but is constrained to admit, "that since the year 1828 inclusively he had occasion to be present during the different terms of the provincial court in the county of Gaspé, and did not see the judge under the influence of drink, either during the sitting of the court or out of court."

Accompanying Document (G.)

John Bissin, mariner, is the third individual produced before the committee. He was the mate of a vessel stranded in Malbay in the autumn of 1834, and brought his action against the master, in the provincial court for the district of Gaspé, for the recovery of wages as mate of that vessel. Amongst other grounds, his claim was resisted on the ground of habitual drunkenness and general misconduct. His action having been dismissed by me, he is considered a fit person to pass in judgment upon the character and conduct of the judge of the district of Gaspé.

Affidavit of Charles Marie Labilloy, (A.), No. 12.

Nicholas Allard is examined as to my conduct at Carleton in July 1832. I had at this time just returned from Quebec, where the cholera was raging, and was under treatment for what I considered premonitory symptoms of that disorder. I do not mean to conceal that, after leaving Quebec, and during the circuit, I considered myself in great danger; but I deny altogether the character which this individual is made to give to my appearance and conduct at Carleton. This individual again is not in a walk of life entitling him to any credit in a matter of this kind. The credit due to his statements may be tested by the fact, that upon his being spoken to about the singular evidence which he had given, he said, "On n'était pas sous serment là."

Affidavit of James Meagher, accompanying Document (A.), No. 16.

If the committee had been desirous of obtaining correct information concerning my habits, they would have availed themselves of the opportunity afforded by the examination of George Mellin Douglas, esq., physician, who attended me and my family professionally during his residence in the county of Bonaventure, to ascertain with certainty the truth or falsehood of the rumours against me which the committee have treated as evidence. Though this gentleman is examined as to some immaterial facts, and though he states that he was my physician, yet none of the members of the committee ventured to put any questions to him respecting my habits as to temperance; or if any such question was put, the answer, as in the case of Mr. Poirrier, must have been suppressed.

Accompanying Document (A.), No. 26.

The next individual examined was Mr. Patrick Enright, whose statements apply particularly to a private transaction already referred to.

Mr. Germain Durand seems to have been examined with a view of showing that the preferring of the petition of Mr. Deblois against me must have come to my knowledge in the month of December last.

Affidavit of Daniel Marett, (A.), No. 25.

Pierre Thebierge, mariner, Etienne Lebreux, joiner, a notorious drunkard, and Louis Boulet, another mariner, are produced to establish partiality on my part towards Mr. Hamilton, rumours of intemperance, actual intemperance, and unfitness for the judicial situation; and these examinations are followed by that of Mr. John Green, who is examined to the same points, and who is proved to be a man totally destitute of character, and not worthy of belief upon his oath. These examinations, with the examinations of Messrs. Deblois, Thi-baudeau and Winter, form the whole body of evidence, if it can be so called, upon which these charges rest.

Affidavits of Jacques Lamy, No. 18, Farquhar M^r Rae, No. 19, and Charles Poirrier, No. 26.

I entreat your Excellency's attention to the character of the persons by whom these calumnies may have been originally propagated, and were supported before the committee of the Assembly. The magistracy of the district, the clergy, the principal merchants, the large landholders, are passed over. A confederacy of two or three persons, to effect my ruin, command the public funds through the House of Assembly; my accuser sits on the committee to whom his own petition is referred, conducts the examinations, and writes the report, which is printed at the public expense, and widely circulated throughout the district within which I reside, and through the province generally, before any opportunity is afforded me of counteracting in any way its poisonous effect.

I might have satisfied myself with a bare denegation of charges, resting upon a foundation like the above; but where my character is so essentially and so unjustly assailed, and this so artfully as to obtain and receive the countenance of the Assembly, I must go one step further, and establish, upon the oaths of respectable and honourable men, the utter falsehood of the charges against me.

I beg

I beg leave, therefore, to submit to your Excellency the affidavits of the following gentlemen:

Accompanying Documents (A.)

Amasa Bebee, esq., of New Carlisle, Prothonotary.
 Thomas Busted, esq., justice of the peace, Ristigouche.
 François Ahier, esq., justice of the peace, St. George's Cove.
 James Rooney, esq., justice of the peace, Percé.
 Reverend William Arnold, missionary for Gaspé.
 Edmund Flynn, esq., justice of the peace, Percé.
 John Fauvelle, esq., agent for Charles Robin & Co., Percé.
 Martin Sheppard, esq., sheriff, New Carlisle.
 David Le Boutillier, clerk to Charles Robin & Co., Bonaventure.
 Joseph Stowe Tuzo, of L'Ance au Beaufils, Gaspé.
 Henry O'Hara, esq., sub-collector of His Majesty's Customs, New Carlisle.
 Charles Marie Labillois, esq., surgeon, Megouacha.
 William Carter, esq., justice of the peace, Port Daniel.
 Robert Ferguson, esq., justice of the peace, Ristigouche.
 Joseph Bert, farmer, Bonaventure.
 Joseph Magher, esq., justice of the peace, Carleton.
 Hugh Aitkin, esq., justice of the peace, Ristigouche.
 Joseph Lamy, Paspébiac.
 Farquhar M^rRae, esq., justice of the peace, Grand Voyer, Hopetown.
 Charles Verdon, esq., justice of the peace, Malbay.
 George Matthew, clerk to Charles Robin & Co., Bonaventure Island.
 Peter Duval, esq., justice of the peace, Bonaventure Island.
 John Hardeley, esq., of Paspébiac.
 John R. Hamilton, esq., advocate, New Carlisle.
 Daniel Maret, master carpenter, New Carlisle.
 Charles Poirrier, mariner, Bonaventure.

To these is to be added the expression of public confidence, contained in the address to me by the inhabitants of Gaspé, on the occasion of the reports made to his Excellency the Earl of Dalhousie in 1827, and the counter-petition to the Assembly, dated the 2d January 1836, signed by several hundred inhabitants of the district.

Accompanying Document (B.)
 Accompanying Document (H.)

In the fullest reliance on the justice of your Excellency,

I have, &c.
 (signed) Jno. G. Thompson.

(A)

— No. 1. —

Amasa Bebee, esq., one of His Majesty's joint prothonotaries for the district of Gaspé, maketh oath and saith, that he has been prothonotary of the provincial court for the inferior district of Gaspé for upwards of 20 years; that in such capacity he has constantly attended the said court, never having been absent during term-time for one half-hour; deponent further saith, that from the arrival of Mr. Justice Thompson in this district, in the year 1827, up to this date, the said judge hath regularly attended the courts in the several parts of the said district, to the general satisfaction of the inhabitants of the district; deponent further saith, that in the year 1827, at Percé, there being no business before the court after the first day of the term, the said judge did not remain the whole term, he not being in a state of health to permit his presiding at the court; and at the request of Joseph François Deblois, esq., and the other attorneys of said court, the court was not held during the whole term. Deponent further saith, that Mr. Justice Thompson, during the whole time he has been in the district, has conducted himself with sobriety, and any allegation, statement or accusation of his being under the influence of spirituous liquors on the bench, or in court, is false.

Deponent further saith, that Mr. Justice Thompson, both in his public and private character, is highly esteemed and respected, and the inhabitants of the district of Gaspé have the most entire confidence in the said provincial judge, whose integrity has never been questioned, except by a few individuals of no character.

A. Bebee.

Sworn before me at New Carlisle the 6th day of June 1836,

H. O'Hara, J. P.

— No. 2. —

Province of Lower Canada, Inferior District of Gaspé.

PERSONALLY came and appeared before me, Amasa Bebee, esq., commissioner for receiving affidavits in the district of Gaspé, Thomas Busted, of Ristigouche, at present at Carleton, both

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both in the county of Bonaventure, in the said district of Gaspé, one of His Majesty's justices of the peace for the said district, who being duly sworn upon the Holy Evangelists, doth depose and say, that he has known and been acquainted with the Honourable John Gawler Thompson, judge of His Majesty's provincial court for the said district, since the year 1827, and since his acquaintance with the said judge has always found the conduct of that public functionary guided by the strictest morality, sobriety and impartiality in the discharge of his official duties, and has never at any time known or perceived that the said judge was intemperate in his habits, or vindictive, arbitrary or partial in his judicial decisions; but, on the contrary, this deponent places the utmost reliance in the justice, integrity and impartiality of the said judge.

That far from the character and judicial knowledge of the said judge not being in estimation in this district, he possesses the confidence and approval of the far greater proportion of the intelligent and respectable portion of the inhabitants of this district.

That having had frequent opportunities of being in His Majesty's provincial court while the said judge presided therein, this deponent can state with confidence, that he never saw the said judge then or at any time since affected from the use of ardent spirits; and had such been the case, his conduct would have shown the effects of his indulgence; but, on the contrary, the conduct of the said judge has always, to this deponent's knowledge, been guided by the strictest propriety.

That from an attentive perusal of the evidence taken before the House of Assembly of this province in its last session respecting the said judge, this deponent feels no hesitation in believing, and firmly believes, that evidence destitute of foundation, and originating from malice, vindictiveness and envy; and further the deponent saith not.

Thos. Busted.

Sworn at Carleton this 6th day of July 1836, before me,

A. Bebee, Commissioner.

—(No. 3.)—

Province of Lower Canada, District of Gaspé.

PERSONALLY came and appeared before me, Amasa Bebee, esq., one of the commissioners appointed to receive affidavits for this district, François Ahier, esq., one of His Majesty's justices of the peace for the said district, who, being duly sworn upon the Holy Evangelists, maketh oath and saith,

That he is personally acquainted with Mr. Thompson, judge of His Majesty's provincial court for the district of Gaspé, and has been acquainted with the said judge since his arrival in the year 1827; and this deponent further saith, that from that period to this day he has attended the several courts held at Percé and Douglas Town, and has never noticed that the said judge was under the influence of spirituous liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case. And this deponent further saith, that had the conduct of Judge Thompson been such as attempted to be represented before the House of Assembly, he must have most certainly observed it; and this deponent further saith, that from his personal knowledge and acquaintance with the habits and character of the said judge, he is perfectly convinced that the accusations brought by Mr. Deblois before the Assembly of Lower Canada, are false and without foundation.

And this deponent lastly saith, that the said judge is esteemed and respected by the inhabitants of the district of Gaspé, who have the most entire confidence in the said judge, and in the decisions of the said provincial court.

Francis Ahier, J. P.

Sworn before me at Douglas Town this 16th day of August 1836,

A. Bebee, Commissioner.

—No. 4.—

Province of Lower Canada, District of Gaspé.

James Rooney, esq., of Percé in the county of Gaspé, in the district and province aforesaid, one of His Majesty's justices of the peace for the said district, being duly sworn, maketh oath and saith, that he has known Mr. Justice Thompson for upwards of nine years, to wit, since the year 1827, the year Judge Thompson first arrived as judge of the said district; that this deponent was a passenger with Judge Thompson that year, on his way from Douglas Town to Percé; that the circumstances stated in Mr. Henry Bisset Johnston's examination before the committee of grievances of the House of Assembly, did not take place, nor was Judge Thompson on that occasion under the influence of spirituous liquors; and this deponent further saith, that he has attended the courts held in the county of Gaspé, to wit, at Percé and Douglas Town, every term since Judge Thompson has been in this district, and that far from Judge Thompson being under the influence of spirituous liquors, he, this deponent, never suspected that he was intemperate until Mr. Deblois's petition to the House of Assembly gave rise to such a report.

And

And this deponent lastly saith, that Judge Thompson is generally respected throughout this district, and that his conduct as judge of the provincial court has never been questioned until Mr. Deblois's petition to the House of Assembly first charged him with crimes and misdemeanors unknown to the inhabitants of this district.

Correspondence
respecting
Mr. Thompson.

James Rooney.

Sworn at Percé this 19th day of August 1836, before me,

A. Bebee,
Commissioner for taking Affidavits.

— No. 5. —

Province of Lower Canada, District of Gaspé.

PERSONALLY came and appeared before me, Amasa Bebee, esq., one of the commissioners appointed to receive affidavits in the said district, the Rev. William Arnold, missionary for the county of Gaspé, in the said district, who, being duly sworn, deposeth and saith, that he has resided in the said district as missionary as aforesaid since 1826, and has been personally acquainted with Mr. Thompson, provincial judge of the said district, from the day of his arrival in this district to the present moment; that he was in the habit of frequenting Judge Thompson's house almost daily, and at all hours, from that period to the fall of 1828, and has had frequent intercourse with the said judge from said last-mentioned year to this day; this deponent further saith, that during the whole of the period aforesaid he never saw Judge Thompson under the influence of spirituous liquors, nor did he suspect him of intemperate habits until Mr. Deblois's petition to the House of Assembly of Lower Canada first charged him with it, together with other misconduct. This deponent further saith, that the character of Judge Thompson has always appeared to this deponent, as well on the bench as in private life, to be unexceptionable, and his habits gentlemanly and free from intemperance; this deponent further saith, that he has read the report of and the evidence taken before the committee of grievances of the House of Assembly, as published by their order, and the facts therein stated appear to this deponent to be grounded on malice and envy; this deponent, from his long acquaintance with the said judge, must have noticed such conduct on his part, had it ever taken place. Deponent further saith, that he has frequently attended the courts at Douglas Town, and the other parts of the district, and the accusations of partiality and want of dignity in his department, brought by the said Joseph François Deblois against the said judge, are, from the personal observations of this deponent, without foundation and untrue, and the inhabitants of the district entertain the most entire confidence in the decisions of the provincial court.

Wm. Arnold,
Missionary for the County of Gaspé.

Sworn before me this 24th of August 1836,

A. Bebee,
Commissioner for taking Affidavits.

— No. 6. —

Edmund Flynn, of Percé, in the county and district of Gaspé, coast officer of His Majesty's customs for the said district, being duly sworn, deposeth and saith, that he is personally acquainted with Mr. Thompson, judge of the provincial court for the said district, and has been acquainted with the said judge ever since his arrival in the said district; that the said judge resided in the house with this deponent the three first years that he was in the district whilst on the circuit at Percé; that this deponent hath attended the sittings of the provincial court at Percé most every day from the time that the said judge arrived in the district, and that he hath never noticed the said judge to be under the influence of spirituous liquors in court, and had the said judge been in such a state this deponent must most certainly have noticed and known it. Deponent further saith, that he firmly believes, and is certain, from his own personal observation, that that part of the evidence taken before the committee of the House of Assembly of Lower Canada which accuses the said judge of being under the influence of spirituous liquors during the sitting of the court at Percé is malicious and false.

Edmund Flynn.

Sworn before me at Percé the 27th August 1836,

Peter Duval, J. P.

Correspondence
respecting
Mr. Thompson.

— No. 7. —

Province of Lower Canada, Inferior District of Gaspé.

PERSONALLY came and appeared before me, Peter Duval, esq., one of the justices of the peace for the said district, John Fauvel, of Percé, in the county of Gaspé and district aforesaid, agent at Percé aforesaid, of the house of Messrs. Charles Robin & Co., who, being duly sworn, maketh oath and saith, that he has known Mr. Justice Thompson, judge of the provincial court of the said district since the year 1827, the year Judge Thompson first arrived as judge of the said district; and this deponent further saith, that from that period to this day he never saw Judge Thompson under the influence of wine or other liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case; and this deponent further saith, that had Judge Thompson's habits been intemperate, he must have perceived it, from the frequent opportunities he had of seeing him; and this deponent further saith, that he has read the report of the committee of grievances of the House of Assembly, and the evidence in support thereof, as printed and published by order of that House; that the facts stated in the evidence alluded to as criminating the character of Judge Thompson are false and without foundation; and this deponent lastly saith, that Judge Thompson is highly respected and esteemed by the inhabitants of the district of Gaspé, and that the charges brought against him by Mr. Deblois are founded either in malice or from interested motives.

John Fauvel.

Sworn at Percé this 12th day of September 1836, before me,

Peter Duval, J. P.

— No. 8. —

Martin Sheppard, esq., of New Carlisle, in the county of Bonaventure, and district of Gaspé, sheriff of the said district, being duly sworn, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of His Majesty's provincial court for the district of Gaspé, and hath been acquainted with the said judge from the time of his arrival in the said district in the year 1827. Deponent further saith, that from that period he hath attended the several circuits in the said district, with the exception of the Carleton term of 1832, and hath never noticed that the said judge had been under the influence of spirituous liquors whilst on the bench; this deponent must have noticed such conduct had it ever taken place. Deponent further saith, that he has seen the evidence before the committee of the Assembly of Lower Canada, and is perfectly convinced, from personal observation, that that part of the same which accuses the said judge of intemperance on the bench and during the sitting of the court, and of partiality, is without foundation and false, as he, this deponent, must have seen the said judge in the said state of intemperance whilst on the bench, had he ever been in such a situation. Deponent further saith, that he verily believes that the accusation brought by Joseph François Deblois, esq., against the said judge is brought from vindictive motives, inasmuch as the said Joseph François Deblois has lost his practice before the said provincial court, and attributes the said loss to John R. Hamilton, esq., one of the advocates residing in the said district being a relation of the said judge's.

Deponent further saith, that John R. Hamilton, esq., advocate, whilst at Percé, in the years 1834-35, occupied a small room in the court-hall, unoccupied by any of the officers of the court, which said room was occupied in 1836 by William Day, deputy sheriff, and that the said judge never made use of the said room as a judge's chambers, he always making use of the room in which he resided whilst at Percé for such purposes.

Deponent further saith, that he has frequently travelled at the circuit with the said judge, and were he the intemperate character he is represented by Joseph François Deblois, he must have noticed the same.

M. Sheppard.

Sworn at New Carlisle this 20th day of September 1836, before me,

H. O'Hara, J. P.

— No. 9. —

Province of Lower Canada, District of Gaspé.

David Le Boutillier, gentleman, of Paspébiac, in the county of Bonaventure, in the district and province aforesaid, clerk of the house of Messrs. Charles Robin & Co., being duly sworn, deposeth and saith, that he came to the district of Gaspé aforesaid in 1827, where he has resided up to the present time; that he has known the Honourable Mr. Justice Thompson, judge of the provincial court of this district since his arrival in June of the same year; that, in consequence of the difficulty of procuring a comfortable dwelling, the said judge occupied a house belonging to the said Messrs. Charles Robin & Co. until the month of October of the same year, the said house being the winter residence of the persons in the employ

employ of the said Messrs. Charles Robin & Co., and being required by them, the said judge was compelled to rent uncomfortable and inconvenient lodgings until the house where he now resides in was completed, owned by Mr. James Lamy, who has often expressed his satisfaction to this deponent at having leased it to Judge Thompson, as no other person in the district would have given an equal rent for it; the rent of houses in the neighbourhood does not exceed 25 *l.* per annum.

And this deponent further saith, that from the arrival of Judge Thompson to this day he never saw Judge Thompson under the influence of liquor, either during the sitting of the court or out of court, nor did this deponent suspect that such was the case; and this deponent further saith, that having had frequent opportunities of meeting Judge Thompson, as well in public as in private, it must have come within his notice if the said judge had been addicted to habits of intemperance.

And this deponent further saith, that the charges brought on against Judge Thompson are false and malicious, the said judge being universally esteemed and respected by the inhabitants of this district.

David Le Boutillier.

Sworn before me at New Carlisle this 30th day of September 1836,

H. O'Hara, J. P.

— No. 10. —

Province of Lower Canada, Inferior District of Gaspé.

PERSONALLY came and appeared before me, Josiah Cass, jun., esq., one of the justices of the peace for the said district, Joseph Stowe Tuzo, gentleman, of L'Ance au Beaufils, in the county of Gaspé and district aforesaid, who, being duly sworn, maketh oath and saith, that he has known Justice Thompson, judge of the provincial court of the said district, since the year 1828; and the deponent further saith, that from that period to this day he never saw Judge Thompson under the influence of wine or other liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case until the proceeding of the House of Assembly upon Mr. Deblois's petition became public through the newspapers; and the deponent further saith, that had Judge Thompson's habits been intemperate, he must have perceived it, from the frequent opportunities he had of seeing him; and the deponent further saith, that Judge Thompson is highly respected and esteemed by the inhabitants of the district of Gaspé, and that the charges brought against him by Mr. Deblois are founded either in malice or from interested motives.

Joseph S. Tuzo.

Sworn at Cape Cove this 26th day September 1836,

Josiah Cass, J. P.

— No. 11. —

Henry O'Hara, esq., of New Carlisle, in the county of Bonaventure, in the district of Gaspé, sub-collector of His Majesty's customs for the county of Bonaventure, and justice of the peace for the said district, being duly sworn upon the Holy Evangelists, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of the said district, and hath been on terms of intimacy with the said judge for upwards of 30 years. Deponent further saith, that he hath frequently attended the several terms of the provincial court held in the several parts of the district ever since the arrival of the said judge, and he hath never noticed that the said judge had been under the influence of spirituous liquors or wine, whether on the bench or at any other place; had such been the case this deponent must have noticed the same; on the contrary, this deponent hath always observed the said judge to maintain the decorum and close attention to the business before the court which his duty required. Deponent further saith, that he has seen the major part of the evidence taken by the committee of grievances of the Assembly of Lower Canada, on the petition of Joseph François Deblois, one of the members of the said committee, and this deponent truly believes that the charge of partiality is unfounded, and that of intemperance is false. Deponent further saith, that he never even suspected that accusations similar to those brought against the said judge by the said Joseph François Deblois could have ever been thought of, and that it is from the petition of Joseph François Deblois that he first learnt that the said judge was accused of intemperance, never having heard such a thing mentioned, except by one Mr. Johnston, of Point St. Peters, and that about seven years back.

H. O'Hara, Lieut.-Colonel.

Sworn before me at New Carlisle this 3d October 1836,

John Wilkie,
Commissioner under 40 Geo. 3.

Correspondence
respecting
Mr. Thompson.

— No. 12. —

Province du Bas Canada, District de Quebec.

PARDEVANT moi, Nylari Michaud, écuyer, juge de paix, résident à Carleton, dans le comté de Bonaventure, dans le district inférieur de Gaspé, est comparu Charles Marie Labillois, écuyer, de Migouacha, chirurgien, dans le comté et district susdit, lequel après serment durement prêté sur les Évangiles, dépose et dit, que le commencement de Juillet de l'année mil huit cent trente deux, il fut appelé par l'honorable Juge Thompson, du dit district, alors à Carleton susdit, où il s'est transporté, et a trouvé le dit Juge Thompson bien agité, le croyant attaqué du cholera-morbus; vu qu'il étoit à Quebec avec sa famille quand la dite maladie éclata, et qu'il étoit récemment débarqué du vaisseau-à-vapeur, nommé le Royal William, à bord duquel la dite maladie existoit, et que dans la certitude où il étoit qu'il étoit attaqué de la maladie susdite, et jointe à la faiblesse des nerfs, il étoit dans un état de peur et de général faiblesse, signes précurseurs du cholera, qui le réduisoit à un état incapable de vaquer à aucunes affaires quelconques pour certains jours; dans l'intervalle du temps que le dit Docteur Labillois lui donna ses soins; et le dit déposant dit de plus qu'il a pratiqué dans le dit district comme chirurgien susdit pour dix-sept ans, et le dit déposant ne dit rien de plus.

Ch. M. Labillois, Doct.

Assermenté devant moi à Carleton ce 18 Fevrier 1834,

H. Michaud, J. P.

— No. 13. —

William Carter, esq., of Port Daniel, in the county of Bonaventure, in the district of Gaspé, one of His Majesty's justices of the peace for the said district, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he has been personally acquainted with Mr. Thompson, judge of the provincial court, ever since his arrival in the district in 1827, and from that year to the present day has frequently seen the said judge in his own house on business at New Carlisle, during the sitting of the several courts held there (this deponent having generally attended the said courts), and the conduct of the said judge, as well on the bench as off the bench, has always been upright, impartial, free from intemperance and the immoderate use of spirituous liquors.

Deponent further saith, that he has attended the several terms of the provincial court in March and September, held at New Carlisle, since the year 1827, and it is with astonishment that this deponent has heard that the said judge had been accused of being under the influence of spirituous liquors during the sitting of the court of the said terms, it being to the personal knowledge of this deponent that the said judge was perfectly sober during the whole of the above-mentioned period, and the inhabitants of the district having the most entire confidence in the said judge. Deponent further saith, that from his long acquaintance with the said judge, having had free access to his house at all hours ever since his arrival in the district, and having, as already stated, attended the several terms of the court held in New Carlisle and the district, he has not the least hesitation in swearing that the accusations brought against the said judge before the Assembly are false and malicious, more particularly those of partiality and intemperance.

Deponent further saith, that he is the same William Carter referred to in the evidence of Joseph François Deblois, esq., before the standing committee on grievances, in a suit in which he, this deponent, was plaintiff against one Timothy Lafurgy, and the statement therein made by the said Joseph François Deblois, that the judge was under the influence of liquor when an application was made for a *capias*, is false. Deponent saith, that he never made such application, never made an affidavit in order to obtain the same, but applied for a writ to attach the moveable estate of the defendant Lafurgy, which was granted him by the said judge, for which he paid Joseph François Deblois the sum of 11*l.*, and James Ferguson Winter, esq., the then sheriff, 27*l.*

Deponent further saith, that he has never seen the said judge under the influence of spirituous liquors, and that were the said judge an intemperate man, he would most certainly have noticed it during the long period the judge has been residing in this district.

William Carter.

Sworn before me at Port Daniel aforesaid, 18th June 1836,

H. O'Hara, J. P.

— No. 14. —

Robert Ferguson, esq., of Ristigouche, in the county of Bonaventure, in the district of Gaspé, merchant, residing in the province of New Brunswick, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of the provincial court for the district of Gaspé, and has been acquainted with the said judge ever since his arrival in the district in the year 1827.

That

Correspondence
respecting
Mr. Thompson.

That this deponent hath attended the provincial courts during the sitting thereof in Carleton and Carlisle since the said year 1827, and the conduct of the said judge hath always been upright, impartial and free from intemperance.

That this deponent is astonished that accusations similar to those brought before the House of Assembly of Lower Canada could ever have been thought of, as from the knowledge this deponent has of the general character and habits of the said judge, he, this deponent, has no hesitation in proclaiming them to be false.

Deponent further saith, that he is the same Robert Ferguson referred to in the evidence of Joseph François Deblois, esq., James Ferguson Winter, esq., and Edward Thibaudeau, esq., and the statement made by the said Joseph François Deblois, James Ferguson Winter and Edward Thibaudeau, is false. The particulars of the case referred to in their evidence is as follows: In the year 1828 this deponent addressed himself to Joseph François Deblois, in order to obtain an attachment against Robert Pitt, Samuel Mackay and James Mackay, who were indebted unto this deponent in a very large sum of money. Mr. Deblois declined acting, and recommended this deponent to Edward Thibaudeau, esq.; deponent thereupon applied to Edward Thibaudeau, esq., who advised deponent to return to Ristigouche and make up his account in full from his books against the said Robert Pitt, Samuel Mackay and James Mackay; deponent acted accordingly, and the next morning returned from Ristigouche with his account, and pressed and requested Mr. Thibaudeau to prepare an affidavit or the necessary documents, inasmuch as the said Robert Pitt, Samuel Mackay and James Mackay were then on board, but could not proceed with their vessel owing to the contrary winds. Mr. Thibaudeau refused to act until the court was over, and before the court was over, the wind became fair, and the said Robert Pitt, Samuel Mackay and James Mackay absconded this way before an application was made to the said judge for a writ of attachment, and before this deponent was sworn to the affidavit prepared by Mr. Thibaudeau; the judge never refused to grant the writ, and it was through Mr. Thibaudeau's neglect that the said Robert Pitt, Samuel Mackay and James Mackay escaped from the province of Lower Canada, and most assuredly not owing to any refusal, delay or neglect on the part of the said judge.

Deponent further saith, that he never made statements similar to those mentioned in the evidence of Joseph François Deblois, and the evidence of the said Joseph François Deblois is most wickedly false.

Robert Ferguson.

Sworn before me at Carleton this 20th June 1836,

Joseph Meagher, J. P.

— No. 15. —

Joseph Bert, of Ristigouche, in the county of Bonaventure, in the district of Gaspé, farmer and trader, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he knows Mr. Thompson, judge of the provincial court for the inferior district of Gaspé, ever since his arrival in the district of Gaspé in the year 1827.

Deponent further saith, that he resided at Carleton, near the court-hall, from 1816 to the year 1832, and generally attended the court-hall at Carleton, more particularly the years 1827, 1828, 1829, 1830, 1831 and 1832.

Deponent further saith, that the said judge, during the above years, always conducted himself, as well on the bench as off the bench, with perfect temperance and sobriety, and the statement made before the Assembly of Lower Canada, by Joseph François Deblois, esq., that the said judge had been drunk during the above-mentioned terms, is most wickedly false and without foundation. Deponent further saith, that he is perfectly convinced that the petition of the said Joseph François Deblois before the said Assembly was presented by him, the said Joseph François Deblois, through interested and vindictive motives, and his conviction is founded upon the said Joseph François Deblois's statements to this deponent.

Deponent further saith, that the said Joseph François Deblois has frequently told this deponent that if he could succeed in having the said judge dismissed from office, he the said Joseph François Deblois would be appointed judge in the room of the said Mr. Thompson. Deponent further saith, that he is indignant at the evidence of the said Joseph François Deblois, as well as that of the several witnesses, particularly Nicholas Allard, whose statements respecting the said judge being in a state of drunkenness, in term and out of term, during the Carleton terms, is false and without foundation.

Deponent further saith, that he never heard any person state that the said judge had ever been under the influence of spirituous liquors since the residence of the said judge in the district of Gaspé, previous to seeing the petition of Joseph François Deblois, with the exception of the said Joseph François Deblois himself, who has for years back circulated libels and caricatures against the character and family of the said judge in order to irritate the said judge, who has always treated the said conduct of the said Joseph François Deblois with silent contempt.

Deponent further saith, that the said Joseph François Deblois is now going from house to house in order to obtain signatures to a petition approving of his conduct, saying at the same time that it is for the good and interest of the inhabitants of the district; but that the said inhabitants have the most perfect confidence in the decisions of the said judge, and the highest esteem for his legal attainments and character; and this deponent hath heard this opinion from the inhabitants themselves.

Correspondence
respecting
Mr. Thompson.

Deponent further saith, that he was present at the house of Frederick Bijean at Carleton, when Germain Durand, one of the witnesses examined before the Assembly, was present at the time alluded to in the evidence of the said Germain Durand, and the statement made in the said evidence, that the persons then assembled approved of the accusations brought by the said Joseph François Deblois, is false; not one word was said respecting the accusations brought by the said Joseph François Deblois.

Deponent further saith, that from the personal observations he is perfectly convinced that the said accusations are malicious and false.

Joseph Bert.

Sworn before me at Carleton this 7th July 1836,

Joseph Meagher, J. P.

— No. 16. —

Joseph Meagher, esq., of Carleton, in the county of Bonaventure, in the district of Gaspé, justice of the peace, being duly sworn upon the Holy Evangelists of Almighty God, deposeth and saith, that he is personally acquainted with Mr. Thompson, judge of the provincial court for the district of Gaspé, and has been acquainted with him ever since his arrival in the district of Gaspé in the year 1827.

Deponent further saith, that he has attended during the sitting of the provincial courts in Carleton since the year 1827, and more particularly the term held at Carleton in 1832, during which last-mentioned term he was present every day.

Deponent further saith, that the said judge is universally esteemed throughout the district of Gaspé from his impartiality, learning and temperance; this deponent having had frequent intercourse with the said judge, and having attended the several courts, considers the statements made before the Assembly of Lower Canada to be false and without foundation, more particularly the accusation of the said judge having been under the influence of spirituous liquors during the sitting of the court at Carleton in 1832, this deponent having conversed with the said judge and attended the court every day, would most certainly have noticed such conduct on the part of the said judge. Deponent further saith, that he resides at Carleton next to the court-hall, and also next to the house wherein the said judge resides during his stay at Carleton, and should the conduct of the judge be such as attempted to be represented before the Assembly he must have noticed it.

Deponent further saith, that the said judge was unwell in 1832, during the term at Carleton; so much so, that the court was held in his room one day. Deponent is positive that the judge was unwell on that day, and not under the influence of spirituous liquors, because he, this deponent, saw him and conversed with him; and had the judge been under the influence of spirituous liquors he must have noticed it.

Deponent further saith, that during the present spring he saw Nicholas Allard, one of the witnesses examined in Quebec before the Assembly, and having spoken to him about the singular evidence he gave before the Assembly, he answered this deponent, "on n'était pas sous serment là;" "we were not under oath there."

Deponent further saith, that the inhabitants have the most perfect confidence in the decisions of the said judge, and he has never heard any other than Joseph François Deblois, esq., complain of the said decisions, together with one Peter Winter, another practitioner in the said court.

Deponent further saith, that from his knowledge of the character and conduct of the said judge, he firmly believes the accusations brought before the Assembly by the said Joseph François Deblois to be false and without foundation, and attributes the conduct of the said Joseph François Deblois to his having lost most, if not the whole, of his practice before the said Court.

Joseph Meagher.

Sworn before me at Carleton this 8th July 1836,

H. O'Hara, J. P.

— No. 17. —

Hugh Aithen, of Ristigouche, in county of Bonaventure, in the district of Gaspé, justice of the peace, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of the provincial court, and has been acquainted with the said judge ever since his arrival in the district of Gaspé; that he hath attended the courts at Carleton, and never hath noticed that the said judge, either during the sitting of the court or off the bench, hath been under the influence of spirituous liquors.

That this deponent hath always considered the said judge to be temperate, impartial and upright, and hath never heard any individual in the district of Gaspé complain of the decisions of the said judge.

Deponent further saith, that from his acquaintance with the said judge, and from his personal observations, he firmly believes that the accusations brought before the Assembly by Joseph François Deblois, esq., are false and without foundation.

Deponent

Deponent further saith, that he attended the provincial court held at Carleton in the year 1832, and the judge was very ill, and obliged to adjourn the court one day; that it was excessively warm. Deponent is positive that the said judge was not under the influence of spirituous liquors, and that the illness of the said judge did not proceed from the intemperate use of spirituous liquors. This deponent conversed with the said judge on that same day, and resided, during the whole of the said term held in Carleton in 1832, in the same house with the said judge, and had the said judge been under the influence of spirituous liquors during the said term, or indulged to excess in the same, this deponent would have noticed the same.

Deponent further saith, that in the same year, and during the sitting of the court, this deponent, as one of the justices of the peace, presented a petition to the said judge, in order to induce the said judge to preside at the quarter sessions that were to be held the very day after the term of the provincial court; and had the conduct of the judge been such as represented before the Assembly, this deponent would never have thought of petitioning the said judge to preside at the quarter sessions.

Deponent further saith, that the inhabitants of the district have the most perfect esteem for the said judge, and confidence in the provincial court.

Hugh Aitken.

Sworn before me at Carleton this 8th July 1836,

H. O'Hara, J. P.

— No. 18. —

Province du Bas Canada, District de Gaspé. Ss.

Jacques Lamy, de Paspébiac dans le comté de Bonaventure dans le district et province susdits, propriétaire et fermier, à ce vingt-deuxième jour de Juillet mil huit cent trente-six, comparu devant moi Henry O'Hara, ecuyer, un des juges de paix du dit district, et étant dûment assermenté sur les Saintes Évangiles, dépose et dit;

Qu'il connoit Mr. le Juge Thompson depuis le mois de Juin mil huit cent vingt sept; qu'il a demeuré depuis l'automne de la dite année jusqu'à présent à Paspébiac susdit, qu'alors il occupoit une de ses maisons à Paspébiac, et l'année ensuite une appartenant à la veuve François Gallie, près de la demeure du déposant, et ensuite dans une autre maison du déposant qu'il a bâti pour Mr. le Juge Thompson, à condition que le bail dura aussi longtemps qu'il résidera dans le comté susdit, et ce à raison de soixante et une livres, cours actuel de cette province, comprenant le foin nécessaire pour un cheval et une vache et le bois de chauffage.

Et le dit déposant dit de plus qu'il est satisfait de son marché, et qu'il a raison de croire que si sa maison étoit à louer qu'il ne trouveroit personne capable de lui en donner autant, vu la pauvreté de pays.

Et le dit déposant dit en outre, qu'il connoit le nommé John Green qui a donné témoignage devant le comité des griefs de la Chambre d'Assemblée de la province susdite, que le dit John Green n'a jamais été au service de Mr. le Juge Thompson.

Que le dit John Green est un homme des plus bas, tellement indigne de foi que le déposant ne croiroit rien qu'il pourroit dire, même sous serment, que le dit John Green s'est depuis long tems expatrié de ce district, laissant une femme et plusieurs enfans à la charge de leurs amis et voisins.

Que le déposant dit de plus, que depuis l'année mil huit cent vingt-sept jusqu'à présent il avoit occasion de voir Mr. le Juge Thompson tous les jours en cour, hors de cour et chez lui, et qu'il ne le jamais vu en boisson, il courroit un bruit que tel étoit le cas et les étrangers l'ont cru, mais c'étoit Mr. Doblois qui a fait circuler ce bruit-là. Et le déposant ne dit rien de plus, et a fait sa marque ordinaire d'une croix, déclarant ne savoir écrire ni signer.

Signature
Jacques x Lamy.
Marque.

Assermenté devant moi à New Carlisle ce 22^{me} jour de Juillet 1836,

H. O'Hara, J. P.

— No. 19. —

Province of Lower Canada, District of Gaspé.

PERSONALLY came and appeared before me, Henry O'Hara, esq., one of His Majesty's justices of the peace for this district, Farquhar M'Rae, esq., of Hope Town, in the county of Bonaventure, in the district and province aforesaid, and also grand voyer, and on the commission of the peace for the said district;

Who being duly sworn deposes and saith, that he is personally acquainted with the honourable Justice Thompson, judge of the provincial court of the said district, and has been so acquainted with him since his arrival in this district as judge; that he has since that period to the present, seen him in almost all the terms of the provincial court for the

Correspondence
respecting
Mr. Thompson.

said district, and also out of court, almost daily; and that on his circuit as grand voyer for the said district for this several years past did lodge in the same house with Judge Thompson at Percé, and that his business frequently requires his attendance at New Carlisle, when he is, on those occasions, obliged to pass Judge Thompson's residence, going and coming; that he has frequently, and in many instances, called on Judge Thompson at different hours of the day and night, and never perceived that he was in a state of intoxication or under the influence of liquor at any time; nor has he, the said deponent, any reason to suspect that Judge Thompson's habits were intemperate; and deponent further saith, that he knows John Green, a witness examined before the committee of grievances of the House of Assembly; that he never knew him to be in the service of Judge Thompson, but was in the service of the late Judge Caron; that the said John Green is a man of low worthless character, and ultimately absconded this district, leaving behind him a wife and several children depending on their friends and neighbours, and that he the said deponent would not believe him upon his oath; and deponent lastly saith, that he has the highest opinion of the zeal, talent, integrity and impartiality of Mr. Justice Thompson, and would believe his removal from this district would be an injustice done to the public.

Farquhar M' Rae, J. P.

Sworn before me at New Carlisle 25th July 1836,

H. O'Hara, J. P.

— No. 20. —

Charles Verdon, esq., of Malbays, in the county and district of Gaspé, justice of the peace, being duly sworn upon the Holy Evangelists, maketh oath and saith, that he is personally acquainted with Mr. Thompson, judge of His Majesty's provincial court for the district of Gaspé, and has been acquainted with the said judge since his arrival in the year 1827; deponent further saith, that from that period to this day he has attended the several courts held at Percé and Douglas Town, and has never noticed that the said judge was under the influence of spirituous liquors, either during the sittings of the court or out of term; deponent further saith, that were the conduct of the said judge such as attempted to be represented before the Assembly, he must have most certainly noticed the same; deponent further saith, that from his personal knowledge and acquaintance of the habits and character of the said judge, he is perfectly convinced that the accusations brought before the Assembly of Lower Canada by Joseph François Deblois, esq., are false and without foundation.

Deponent further saith, that he knows one John _____ one of the witnesses examined before the Assembly; that the said John _____ is a worthless character, and a great drunkard; deponent is positive that the evidence given by the said John _____ that he saw the said judge under the influence of spirituous liquors on the bench in the year 1835, is false.

Deponent further saith, that the said judge is universally esteemed by the inhabitants of the district of Gaspé, who have the most entire confidence in the said judge, and in the decisions of the said provincial court.

Charles Verdon.

Sworn before me at Douglas Town this 16th August 1836,

A. Bebee, Commissioner.

— No. 21. —

Inferior District of Gaspé.

PERSONALLY appeared before me, John Le Boutillier, esq., one of His Majesty's justices of the peace for the county and district of Gaspé, in the province of Lower Canada, Mr. George Matthew, clerk for the establishment of the late Peter John Duval, esq., of Bonaventure Island, in the said district of Gaspé, merchant, deceased, who made oath and saith, that he has regularly attended at the court-house at Percé during its sittings in the year 1828, and all the intermediate years until the present year 1836, and at Douglas Town in the year 1834, but never saw the Honourable John Gawler Thompson in the least manner incapable of performing his judicial duties; this deponent has also attended at the lodgings of the said Honourable John Gawler Thompson, at Percé, at different hours upon business, and has always found the honourable judge in a state of perfect sobriety.

And this deponent further saith, that it is with the deepest regret that he has read the deposition of Patrick Enright (having a more honourable opinion of the man) before the committee of the honourable House of Assembly, wherein he the said Patrick Enright states (not having the fear of God before his eyes), that he is not indebted to the establishment of the aforesaid Peter John Duval, or any person of that name, in any sum or sums of money whatever, which this deponent is capable of proving to be false.

George Matthew.

Taken before me at Percé this 19th August 1836,

John Le Boutillier, J. P.

— No. 22 —

Peter Duval, esq., of Bonaventure Island, in the county and district of Gaspé, merchant and justice of the peace maketh oath and saith, that he is personally acquainted with Mr. Thompson, judge of the said district, and hath known him from his arrival in the said district.

Deponent further saith, that he hath attended the courts held at Percé ever since the year 1827, including the said year, and hath never noticed that the said judge was or had been under the influence of spirituous liquors, either on the bench or when the court was not sitting, and this deponent would most assuredly have noticed such conduct had it ever taken place.

Deponent further saith, that he has read the evidence taken before the Assembly of Lower Canada, and he is perfectly convinced, from his own personal observations, and his knowledge of the character and habits of the said judge, during a residence of nine years in the district, that that part of the evidence which accuses him of partiality and intemperance is false and without foundation.

Deponent further saith, that he has also read the evidence of Patrick Enright, and that his statement that he is not indebted unto the firm of Peter Duval & Co., is false, the said Patrick Enright being indebted unto the said firm in the sum of 12*l.* 15*s.* 9*d.* currency, for which sum he, this deponent, requested John R. Hamilton, esq., attorney, *ad negotia* of the said firm, to arrest the said Patrick Enright; and this deponent never had the conversation with the said Enright which he states took place at Bonaventure Island between them.

Deponent further saith, that he is perfectly convinced that the accusations brought by Mr. Deblois against the said judge are false and malicious, and the inhabitants of the district in general have the most entire confidence in the said judge, and in the decisions of the said provincial court.

Peter Duval.

Sworn before me at Percé this 27th August 1836,

John Le Rouillier, J. P.

— No. 23. —

Province of Lower Canada, District of Gaspé.

Mr. *John Hardeley*, of Paspébiac, in the county of Bonaventure, in the district and province aforesaid, agent at Paspébiac aforesaid of the house of Messrs. Charles Robin, & Co., being duly sworn, deposes and saith, that he came to the district of Gaspé aforesaid in 1822, where he has resided up to the present period; that he has known the Honourable Mr. Justice Thompson, judge of the provincial court for this district since his first arrival in June 1827; that from the month of June, the period of his arrival, to the month of October of the same year, the said judge occupied and resided in a house belonging to Messrs. Charles Robin & Co., at Paspébiac, in consequence of the difficulty of his procuring a suitable dwelling, that house being the winter-quarters of the persons employed by the abovenamed firm: Judge Thompson was obliged to take small and inconvenient rooms, until the house in which he now resides was completed by one Jacques Lamy, the proprietor, who has frequently expressed his satisfaction at having leased that house to Judge Thompson, as no one else in the district would give the same rent for it; nor does the rent of any of the houses in that neighbourhood exceed 20*l.* a year.

And this deponent further saith, that from the arrival of Judge Thompson in this district to this day, he never saw Judge Thompson under the influence of wine or other liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case; and this deponent further saith, that had Judge Thompson's habits been intemperate he must have perceived it from the frequent opportunities he had of seeing him, as well in as out of court; and this deponent further saith, that he has read the report of the House of Assembly, and the evidence in support thereof, as printed and published by the order of that House, and that he considers that the facts stated in the evidence alluded to as criminating the character of Judge Thompson are absolutely false and without foundation: and this deponent further saith, that on his arrival here in 1822, James Ferguson Winter, (afterwards sheriff of the district of Gaspé for a short period), was in the employ of Messrs. Charles Robin & Co. for upwards of a year, when, for reasons well known to himself, he was dismissed their service.

And this deponent further saith, that the said James Ferguson Winter, since the fall of 1832, has been absent from this district, and in the winter of 1834 to 1835 it was currently reported here that he had gone to the United States of America, several individuals having given such information to this deponent; and this deponent further saith, that John Marrett, Daniel Marrett, John Day and Thomas B. Munro, the persons named in his the said James Ferguson Winter's examination before the committee of grievances of the House of Assembly, are not connected in any manner with the house of Charles Robin & Co., directly or indirectly, nor in any manner under their control, nor do they (as this deponent verily believes) entertain any ill-will against the said James Ferguson Winter; and this deponent lastly saith

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that Judge Thompson is highly respected and esteemed by the inhabitants of the district of Gaspé, and that he verily believes that the charges brought against him are founded in malice, and from interested motives.

John Hardeley.

Sworn before me at New Carlisle the 30th September 1836,

H. O'Hara, J. P.

— No. 24. —

John Robinson Hamilton, esq., of New Carlisle, advocate, being duly sworn, deposes and saith, that he is one of the practitioners of the provincial court for the district of Gaspé, and hath in such capacity attended the several terms of the said court held at Percé and Douglas Town in the years 1834, 1835 and 1836, at Percé and Carleton in the year 1831, at Carleton in the years 1831, 1835 and 1836, and the September term of New Carlisle in the year 1830.

Deponent further saith, that he has been present in court, during the sitting of the court, every day of the above-mentioned terms, and he hath never noticed that the Honourable John G. Thompson, provincial judge of the said district, was or had been under the influence of spirituous liquors or wine during the above-mentioned period.

Deponent further saith, that he boarded in the same house with the said judge in Carleton in the year 1831, and he is positive that the said judge was not under the influence of wine or spirituous liquors during the said term, as he, this deponent, must have noticed it.

Deponent further saith, that he has read the evidence taken by the committee of grievances of the Lower Canada Assembly, and that part of the evidence of the several persons then examined, which accuses the said judge of intemperance during the Carleton circuit of 1831, is false. Deponent further saith, that James Ferguson Winter, esq., late sheriff of this district of Gaspé, did not attend the said Carleton term held in 1831.

Deponent further saith, that he attended the several terms held at the different places in the above-mentioned years, and he is positive that the said judge was not under the influence of wine or spirituous liquors during the said terms, as he, this deponent, must have noticed it.

Deponent further saith, that that part of the evidence taken before the said committee of the Assembly of Lower Canada, which states that the said judge had been under the influence of wine and spirituous liquors during the periods above mentioned (that is to say, during the terms of the several years that this deponent hath attended the provincial court as above mentioned), is false and without foundation.

Deponent further saith, that the evidence given before the Assembly of Lower Canada by Patrick Enright relative to this deponent is false. The particulars of his case and the transactions which took place are as follows:—This deponent received instructions in the year 1834, from Peter Duval, esq., of Bonaventure Island, to take proceedings against the said Patrick Enright in order to recover the sum of 12*l.* some shillings, due unto the firm of Peter Duval & Co. by the said Patrick Enright; was also informed by the said Peter Duval that the said Patrick Enright had absconded, and that he might perhaps return on a visit or to settle his affairs. The said Peter Duval then requested this deponent to attach the body of the said Patrick Enright, should he return, and appointed this deponent attorney *ad negotia* of the said firm of Peter Duval & Co., in order that this deponent could or might take the necessary affidavit to arrest the said Patrick Enright.

Deponent further saith, that having been informed in September 1835 that the said Patrick Enright was in New Carlisle, and on the eve of leaving the province, he, this deponent, immediately took the proper steps in order to secure the person of the said Patrick Enright.

Deponent further saith, that after the said Patrick Enright had been arrested, the said Enright informed this deponent that he had a claim against the said judge, which said claim he this deponent offered to purchase from the said Patrick Enright: this office of the said deponent was unsolicited and unasked for by the said judge, but was the transaction of this deponent, from which he, this deponent, expected to realize a profit. Deponent further saith, that the said Patrick Enright, not having the document on which his claim against the said judge was founded, he, this deponent, did not purchase the said claim, and afterwards discovered that the said Patrick Enright had received part of the said claim.

Deponent further saith, that the said judge never spoke to this deponent about the claim which Patrick Enright had against him before the arrest of the said Patrick Enright.

Deponent further saith, that the said James Ferguson Winter was dismissed from his office of sheriff at the request of the inhabitants of the district, and owing to his neglect in office.

Deponent further saith, that he entertains no ill-will towards the said James Ferguson Winter, and that the said James Ferguson Winter having been currently reported absent from the province of Lower Canada, he, this deponent, applied on the behalf of several of the creditors of the said James Ferguson Winter, in order to have a curator appointed to his absent estate.

Deponent further saith, that he, this deponent, never applied to or requested from the agent of the said James Ferguson Winter, John Whitton, jun., to give unto this deponent the books

books and accounts of the said James Ferguson Winter; he, this deponent, never spoke to the said agent on the subject. This deponent was not aware that the said James Ferguson Winter had any other claims than claims against the said James Ferguson Winter, he, this deponent, having now in his possession, for the purpose of recovering mortgages, judgments, promissory notes and accounts against the said James Ferguson Winter to the amount of several hundred pounds. Deponent further saith, that he has been intimately acquainted with the said judge for the last 16 years, the said judge being married to the maternal aunt of this deponent, and this deponent hath never once seen the said judge under the influence of wine or spirituous liquors.

New Carlisle, 30 September 1836.

John R. Hamilton.

Sworn before me at New Carlisle 30 September 1836,

H. O'Hara, J. P.

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Mr. Thompson.

— No. 25. —

Daniel Marrett, of New Carlisle, in the county of Bonaventure, in the district of Gaspé, master carpenter and bailiff, being duly sworn upon the Holy Evangelists, doth depose and say, that he has known the Honourable Mr. Thompson, judge of the district of Gaspé, from the time of his arrival in the said district.

Deponent further saith, that he was the undertaker who built the house of Jacques Lamy in the years 1820 and 1830, referred to in the evidence of Etienne Lebreux before the committee of the Assembly of Lower Canada. Deponent further saith, that the statement of the said Etienne Lebreux before the said committee, "that the said judge came regularly, several times a day, to give his orders," and also his statement that the said judge was under the influence of spirituous liquors, is false, the said judge never having once, during the whole period, conversed with the said workmen or with the said Etienne Lebreux, he, the said Etienne Lebreux being a notorious drunkard, and generally in a situation unfit to attend to his work, so much so, that this deponent was obliged to dismiss him from the employ.

Deponent further saith, that he attended the terms of Percé and Douglas Town of the year 1831, as deputy sheriff, under James Ferguson Winter, then sheriff, and in such capacity attended the court every day, and he never noticed that the said judge was under the influence of spirituous liquors, which this deponent must have noticed, had it ever taken place. Deponent further saith, that the said James Ferguson Winter did not attend the said last-mentioned terms of the provincial court, but remained at Paspébiac.

Deponent further saith, that he has attended all the terms of the provincial court held at New Carlisle, from the time of the arrival of the said judge in the district of Gaspé, and that he hath never noticed that the said judge was or had been under the influence of spirituous liquors during the sitting of the court or off the bench, this deponent must have noticed such conduct had it ever taken place. Deponent further saith, that he attended the court held at New Carlisle in the year 1827 every day, and never noticed that the judge was under the influence of spirituous liquors, nor heard any person say so, not did this deponent ever suspect that the said judge was in such a situation.

Deponent further saith, that he is the same person referred to in the evidence of said James Ferguson Winter, taken before the committee of grievances of Lower Canada, and that he, the said deponent, has no spite against the said James Ferguson Winter.

Deponent further saith, that he is one of the individuals who declared that James Ferguson Winter was absent from the province of Lower Canada; he, the said deponent, did so from having seen a letter from James Ferguson Winter to John Whittom, junior, wherein the said James Ferguson Winter stated that he was then on his way to Philadelphia, in the United States of America. Deponent saw the said letter about two years since, and it was publicly rumoured that the said James Ferguson Winter had left the province of Lower Canada; this deponent also inquired from the said John Whittom, junior, whether the said James Ferguson Winter had left the province, and the said John Whittom, junior, could not tell. Deponent believed that the said James Ferguson Winter had left the province.

Deponent further saith, that he acted as deputy sheriff in the year 1831; and during the said year, the said James Ferguson Winter was in a state of habitual drunkenness, and that the said James Ferguson Winter was considered a confirmed drunkard.

New Carlisle, 1 October 1836.

Daniel Marrett.

Sworn before me at New Carlisle the 1st day of October 1836.

H. O'Hara, J. P.

— No. 26. —

Province of Lower Canada, District of Quebec.

Charles Poirier, of Bonaventure, in the district of Gaspé, at present at Quebec, in the district of Quebec and province aforesaid, mariner, being duly sworn, deposeth and saith,

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saith, that he is the owner and master of the schooner "La Reine," and has been such owner and master for upwards of 10 years; that he was summoned some time last fall, by the House of Assembly of Lower Canada, to give evidence before the committee of grievances upon certain charges brought before that house, by Mr. Joseph François Dublois, an attorney of the provincial court for that district, against Mr. Justice Thompson, judge of that court.

That this deponent appeared before the said committee, and gave his evidence by answering all such questions as the members of that committee thought proper to put to him; and this deponent further saith, that his evidence was not then taken down in writing, nor does it appear from the printed proceedings published by order of that house, that any notice was taken of his evidence; and this deponent further saith, that he can give no other reason for the rejection of his evidence than its being favourable to Judge Thompson, and directly contrary to that of John Green, James Ferguson Winter and Joseph François Deblois; and this deponent further saith, that he has known the said John Green for upwards of 12 years, and can safely swear that he is a low worthless character, so much so that no one would employ him in the district of Gaspé; and this deponent further saith, that the said John Green, previously to his giving evidence against Judge Thompson, suddenly absconded from the district of Gaspé, leaving his wife and several children depending upon their connexions and neighbours.

And this deponent further saith, that he has known James Ferguson Winter, another witness produced against Judge Thompson, for upwards of 15 years; that he was formerly in the employ of Messrs. Chas. Robin & Co., of Paspébiac, in the district of Gaspé, merchants, but was, from his conduct, dismissed from their service; that he was afterwards appointed sheriff of that district, but was not long in office before his conduct induced the Governor-in-chief to remove him.

And this deponent lastly saith, that the said John Green and James Ferguson Winter reside in the outskirts of the suburbs of this city, depending altogether upon the precarious chances of the day for support.

his
Charles + Poirier,
Mark.

Sworn before me at Quebec this 28th day of October 1836.

H. Gowen, J. P.

I certify that this deposition was read to the deponent in my presence, who declared his incapacity to sign his name, but persisted in the truth of all the declarations set forth in this deposition.

H. Gowen, J. P.

(True copies.)

John G. Thompson.

(B.)

Castle of St. Lewis,
Quebec, 20 November 1827.

Sir,
His Excellency the Governor-in-chief directs me to acquaint you, that he has heard, with great regret, reports from various quarters, of certain circumstances in your private demeanor and conduct, which tend to bring disrepute upon the public station you hold, and call for immediate interference on the part of his Excellency. The result of an inquiry which he has caused to be made, leaves no doubt on his Excellency's mind of the truth and notoriety of the fact, that you have given way, both in public and in private, on various occasions, to habits of intemperance. His Excellency has no choice but to appoint another person in your place; but, for the sake of your family and yourself, he would prefer that you should resign. He wishes you, however, distinctly to understand, that if you are not disposed to take this option, your removal must take place, after the 1st June, by a public revocation of your commission.

I have, &c.

The Hon. Judge Thompson.

A. W. Cochran, Secretary.

I certify the above to be a true copy, from the original draught in my possession, of a letter which was written and dispatched by me, at the above date, to Judge Thompson, by the directions of the Earl of Dalhousie; but which was not registered in the letter book of the civil secretary's office, in consequence of instructions to that effect, given to me by his lordship, on the letter being submitted to him before being sent.

Quebec, 20 October 1836.

A. W. Cochran.

To the Honourable *John Gawler Thompson*, Judge of the Provincial Court for the District of *Gaspé*.

Correspondence
respecting
Mr. Thompson.

Sir,

It is generally reported that your Honour intends leaving this district for Quebec at the opening of the navigation, which gives us an opportunity of expressing our sincere wish for your welfare, hoping that your intended voyage will be short, pleasant and agreeable, and that you will promptly return to exercise your functions as judge, with that ability and diligence which you have hitherto manifested.

We beg leave to express the pleasure we feel in assuring your Honour, that the mild and conciliatory manner in which you have conducted the arduous duties of your office since your arrival among us has given general satisfaction.

Your nomination as successor to that highly respected judge the late Honourable Mr. Caron, is another instance of his Excellency's anxiety for the welfare of this district.

We have, &c.

J. A. Boesverd, P^{re}.
James Day, Major.
Charles Cavanaugh, J. P.
G. M. Douglass, Surgeon.
John Hardeley, Agent for Charles
Roben & Co.
D. Stewart.
Charles Forest, J. P.
George Balleine.
J. F. Deblois.
Louis Bouffard, Merchant.
David Le Boutillier.
John M'Kenzie.
J. Chisholm, Capt. M.
Robert Sherar, Coroner.
Asariah Pritchard, jun.
M. P. Dimock.
Jonathan Woodman.
Dougald Fletcher.
Benjamin Sive.
Louis Sive.
Patrick Walsh.
Robert Smallet.
Captain Richard Smith.
C. Arbon, Captain of M.
Felix Arbon.
Ralph Pritchard, Lieut. Militia.
Peter Lynd.
George Brown.
Pierre Le Blanc.
James M'Nish.
Thomas Man, Sheriff.
Andrew Chisholm.
Philip Staines.
James Sherar, jun.
O. C. De Blois.
John Gillker, J. P.
Robert Caldwell.
James Caldwell.
John Milny.
John Caldwell.
Amasa Bebee.
James Gillker.
E. Enright, H. P., late Royal New-
foundland Reg^t.
Azariah Pritchard, J. P., Captain
King's Rangers.
James Sherard, J. P.
William Willett.
James Morrison.
E. Faucké, P^{re}.
Hugh Robertson.
Robert Kempffer.
S. Talbot, Marchand.
Louis Roussie.
William Carter.
Joseph Rees.
William H. Lander.

William Scott.
Alexander M'Neil.
Farquhar M'Rae.
Duncan M'Rae.
David Smith, sen.
John Alexander Smith.
David Smith, jun.
James Smith.
Isaac E. Man.
John Burn.
James Gilles.
James Deleny.
Henry Hert.
George Forsight.
Pierre Duval.
Meshile Thapedon.
John Shapedon.
Belony Chapados.
Abraham Chapados.
Francis Gouard.
Joseph Gouar.
Juelé Gouar.
Philip Gour.
John Esplot.
John Lander.
Alexander Hall.
Amos Hall.
J. Alexander.
A. Alexander.
Joshua Bebee.
Asa Bebee.
Alexander M. King.
Timothy Lefurgey.
Denis Lefurgey, jun.
John Gilles.
W. Atkinson.
John Lamie.
Meshile Parece.
Alexander Brotherton.
Mathew M'Lean.
Francis Duga.
Stanislas Roussey.
Andrew Ruce.
Poliso Ruce.
Alexander Ther.
Jacques Ahier.
Philippe Ahier.
William Brotherton.
Jacques Huard.
Laurent Huard.
Lues Dene.
Romano Huard.
Juelbare Ruce.
Peter Derosbe.
Arna Duga.
Mane Well La Brosur.
Maturare La Brosur.
Meri Well La Brosur.

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Serafan La Brosur.
Basken La Brosur.
Joseph La Brouser.
Joseph Hottah.
Theophile Dugay.
Alexander Brotherton, jun.
William Brotherton.
James Duga.
John Power.
Niel M'Gimes.
Adam Brotherton.
James Brotherton.
Jeremiah Enright.
David Fargeson.

Lawrence Keehan.
Phillipe Angliharte.
Arna Duga Sener.
M. Sheppard, N.P.
Henry J. C. Enright.
George Prevost.
James Lernis.
Edward Duga.
Joseph Duga.
Fabien Dugay.
Adam Brotherton.
Charles Collins.
Th. Neilson.
James Fihe.

Dear Sir,

Our loyal and affectionate Address to his Excellency the Earl of Dalhousie, our excellent and highly esteemed Governor-in-chief, has this day been returned to me. As the present state of our roads, rivers and creeks renders travelling quite impracticable, we must therefore be satisfied with the signatures we have, and they are not few, considering the short distance within which they have been obtained, the little time in which it has been done, our scattered population, with all other local inconveniences; there are 287.

The general wish is, that you should be the bearer of the Address, and present it to his Excellency. I have no doubt but you will readily accede to this, and willingly and agreeably perform this honourable task.

I therefore send you the Address, with the translation attached to it, which has accompanied the original, for the satisfaction of those who did not understand the English language: for that reason, it would, in my humble opinion, be very desirable that the same translation should appear in the Gazette. I would, with infinite pleasure, have done myself the honour of delivering you the Address personally, had not prudence dictated the propriety of my remaining at home to-day, on account of the weather, bad roads, and my still convalescent state.

As Captain Auffroy, on board of whose schooner you purpose going, intends to sail for Quebec on the first day of the ensuing month, if your passage is the least favourable, you will have abundance of time to see all your friends, and be back by the 15th June: this will give you fifteen days before the Carleton Term.

I hope your aged and respectable father will have perfectly recovered his health when you see him. I doubt not but himself, as well as your other relations and friends, will be agreeably surprised with your visit, and will feel much inclined to retain you altogether among them, after the privation they must have experienced since you and family left the circle of their society. They have an affectionate claim on you; the district of Gaspé has a greater, a more important one, which I have no reason to doubt the district expects will supersede the laudable affectionate claim of your Quebec friends and relations.

Sincerely wishing you a safe, pleasant, agreeable voyage, and prompt return,

I have, &c.

Hon. Judge Thompson, Present.
Paspébiac, 26 April 1828.

(signed) *J. Ferguson Winter.*

Dear Sir,

Paspébiac, 27 April 1828.

SEVERAL persons having requested me to present you the Address, prepared and signed for you, before you depart for Quebec, it is with much pleasure I do it. It is to be remarked that many more signatures might have been obtained, for everybody was most willing to sign it, but it was thought unnecessary to take any but heads of families and principal persons. I sincerely hope your trip will be pleasant, and that you will soon return amongst us, to make a long stay in the district of Gaspé, as our judge.

I am, &c.

To the Hon. Judge Thompson.

(signed) *James Day.*

Sir,

New Carlisle, 1 May 1828.

SINCE signing an Address to you, on the circumstance of your departure for Quebec, a report has been in circulation in this place, which we are induced to believe is too well founded, that a secret conspiracy has been carried on last autumn, and during the winter, against you, by some persons at Quebec, in which several ill-disposed people of this district have been induced to join.

We are confident, from the unlimited opportunities we have had since your arrival in this district of seeing your manner of conducting the proceedings in court during the Terms held in this place, your regular attendance at Court-hall on Saturdays in vacation, readiness to attend business at your chambers, and opportunities we have had of meeting you in private, that any attempt to disturb your peace, or injure your character or circumstances, must arise from envy and malice, or interested and selfish views.

Under

Under those circumstances, we consider it our duty to assure you that we approve of, and are fully satisfied with your conduct; and, in saying this, we do not hesitate to pledge ourselves, that we speak the sentiments of the public in general, in this part of the district; and should it be required (which we trust will not be the case), we are ready to certify and depose to these facts and sentiments in the most solemn manner.

Correspondence
respecting
Mr. Thompson.

We have, &c.

To the Hon. Mr. Justice Thompson.
Paspébiac.

(signed) *Robert Sherar.*

Robert H. Kempffer.
J. Chisholm.
James Sheren.
Thomas Man.
James R. Sherar.
Andrew Chisholm.
Philip Starns.
Louis Bouffard.
John Hardeley.
James Caldwell.
Joshua Caldwell.

Robert Smallett.
James Caldwell.
E. Enright.
James Gillker.
Amasa Bebee.
John Caldwell.
John M'Kenzie.
Robert Caldwell.
John Todd Caldwell.
Alexander Hall.

My Dear Sir,

New Carlisle, 2 May 1828.

It is with much regret I cannot see you this day, as requested by Mr. Enright, having taken a very bad cold, with an inflammation of the throat, since I last had that pleasure. I cannot with safety undertake so long a ride; I, however, think I am better this day than I was yesterday, and hope I will be able to do myself that pleasure before your departure.

Robert Caldwell, schooner *Minerva*, requests me to inform you that he will sail for Quebec on Wednesday, at latest. This is the vessel Sarah goes with, a new vessel, and well found.

I herewith enclose you a letter, expressing the dispositions and sentiments of the public in general, in this part of the district, on a subject which should have for ever remained (where it was contrived) in secret darkness.

Hoping you will excuse this imperfect, though correct, outline of the public sentiment,

I am, &c.

To Mr. Justice Thompson, Paspébiac.

Robert Sherar.

A l'Honorable *John Gawler Thompson.*

New Carlisle, 27 Avril 1828.

Honorable Juge,

Votre arrivée parmi nous fit renaître dans les cœurs des citoyens, non cette joie indiscrete que fait trop souvent éclater une populace aveugle, inconsiderée; mais cette joie pure et douce, effet heureux du civisme, et d'un respect religieux pour la magistrature. En ce moment chacun se console de la perte qu'il venoit de faire, par la mort de l'Honorable Juge Caron, pour ne s'occuper que de flatteuses espérances dans la personne de son successeur. Ce fut, sans doute, un acte honorable de la part de ceux qui, capables de nourrir d'aussi noble sentiments, menageoient du moins à votre honneur un jour de voluptueuses jouissances; tout enfin présageoit l'aurore d'un beau jour. Quelle sera la fin? Telles furent les réceptions de vos prédécesseurs, ils furent, comme vous, accueillis avec transport par ceux des citoyens qui, contents d'une heureuse médiocrité, ne desirent et ne souhaitent que de vivre en paix au sein de leurs familles sous l'égide puissante de la loi; néanmoins, quelques intègres, quelques éclairés, quelques estimés qu'ils fussent, ils ne tendirent pas à éprouver de cruels chagrins au milieu de cette petite population favorablement disposée, si l'intrigue ne travailloit sans cesse à l'égarer. Si comme eux vous partageates l'estime et le respect public, comme eux les mêmes déplaisirs pouvoient ils ne vous être pas réservés! ce que chacun craignoit avec raison ne s'est que trop réalisé. Par quelle étrange fatalité les Juges de ce district sont ils donc condamnés à être tour à tour l'objet de l'estime, de la haine, de la vénération, de la calomnie! les seuls élémens sociaux donnent la solution de ce problème. Qu'il me soit permis d'en dire quelques mots. Il étoit réservé à feu l'Honorable Juge Crawford d'être l'apôtre de la jurisprudence dans le district de Gaspé. Qui le croiroit? A deux cens lieues de la capitale régnoit alors la plus affreuse comme la plus déplorable anarchie. L'égoïsme mercantile étoit la loi suprême; aussi vit on se multiplier dans une progression effrayante des injustices atroces, des voies de faits, des vols, des meurtres même! tout étoit permis, tout demeurant impuni. Quelle digne assez puissante opposera-t-on à ce déluge de maux qui menace d'engloutir la partie paisible de la société? un seul homme. Je me trompe, ce sera l'austère vertu d'un magistrat qui ni les privations de toutes espèces, ni l'intempérie des saisons, ni les dangers, ni les périls ne sauront arrêter dans l'exécution des ses importantes fonctions; on le verra sur tous les points du district administrant la justice tout en donnant à son pays le scandaleux spectacle d'un juge en procès à des reflexions peu respectueuses, à des sarcasmes sanglants, à des outrages même: parceque l'égoïsme mercantile s'offensera du règne de la loi et parcequ'il s'arrogera, ne trouvant rien

Correspondence
respecting
Mr. Thompson.

à reprocher au magistrat, le droit de censurer le citoyen dans le dessein de diminuer ou plutôt d'avilir aux yeux d'une troupe incensé l'autorité judiciaire, c'est ainsi qu'au temps d'alors l'on neutraleroit l'intention du législateur et le noble devouement d'un juge. Parsuite des misères, des privations en tout genre et des chagrins mortels attachés à sa situation, les facultés intellectuelles de ce digne magistrat s'affoiblissent peu à peu; il tombe victime infortunée d'une des maladies qui assiègent l'humanité. Vainement douze de ses concitoyens l'absolvent ils d'un crime dont on veut entacher sa mémoire; un malheureux préjugé des membres de sa communion le privera des honneurs funèbres dû à son rang, à sa dignité! ces restes seront déposés sur une île déserté jusqu'à ce que la justice et la raison, reprenant leur empire, viennent ordonner la translation des dépouilles mortelles de ce magistrat, dernier mais trop sanglant outrage fait à la mémoire d'un juge que revereroient des peuples d'un autre hémisphère! que dis je? je trahis la vérité il est temps encore, je puis cesser d'être injuste. Je dois donc avouer, pour l'honneur de ce district, qu'il est des citoyens qui déplorent amèrement cette injuste et trop cruelle destinée. A cette époque la législature, jetant un coup d'œil sur ce district, est convaincue qu'en raison des besoins sociaux il devient nécessaire d'augmenter la juridiction de la Cour Provinciale de Gaspé, une loi est passée, sanctionnée. L'Honorable Alexis Caron reçoit le chapeau de juge. Des avant son arrivée la renommée proclame les talens et les lumières du juriconsulte, les vertus publiques du juge et les éminentes qualités du citoyen; sa fermeté et son apparente severité que tempéroit une heureuse urbanité ne contribuèrent pas peu à inspirer une crainte salutaire à ceux qui, sous son predecesseur, avoient méconnu leurs devoirs; tout sembloit rentrer dans l'ordre, jamais l'égoïsme mercantile ne fût plus à la gêne; néanmoins son esprit hostile existoit encore, quoique réduit à ne pouvoir exercer sa malignité, il saura se ménager un moyen d'y satisfaire. Quelques actions instituées au terme supérieur ayant franchi plusieurs termes, pour causes d'irregularités dans les procédures, ce qui enchainoit la volonté ferme de la cour et l'empêchoit de rendre justice aux parties en litige, firent enfin naître un pretexte que vainement l'on cherchoit depuis longtemps; tout a coup un bruit sourd, se fait entendre on taxe le tribunal de nonchalance, d'indifférence! il fût donc satisfait cet esprit malfaisant, puis qu'il avoit atteint le but désiré, celui de créer des soupçons défavorable à l'opération de la loi, et injurieux à la prudence, à la sagesse, et à l'intégrité du magistrat; c'est ainsi que l'on s'enforca d'égener l'opinion publique! quel fût l'auteur de cet attentat? un être invisible qui échappera au châtement parcequ'il à sù décocher ses traits empoisonnés à la faveur d'épaisses ténèbres. Le feu juge vit avec indignation cette honteuse calomnie, lui qui, à l'exemple de la justice, reprovoit tout à la fois un arrêt juste, porté contre les formes voulues de la loi, et un arrêt injuste, dans lequel ses formes auroient été respectées. Scels furent à l'égard de cet honorable magistrat les premiers pas de la malveillance; lorsque la misère, les fatigues et les privations, que son zèle judiciaire lui faisoit envisager comme légers vinrent pourtant le précipiter dans la tombe! Il vit approcher la mort avec le sang froid et la résignation d'un philosophe Chrétien, il s'endormit bientôt du sommeil du juste au sein de l'éternité! Le Gouvernement ne tendra pas à donner à ce district un nouveau gage de sa tendre sollicitude en désignant votre honneur comme le juriconsulte qui devoit tarir nos larmes et mettre un terme à nos regrets. Si j'avais un moindre respect pour celui à qui j'ai l'honneur d'écrire et si je ne craignois pas, en voulant rendre hommage à la vérité, de blesser la délicatesse de votre honneur, il me seroit facile de jeter un coup d'œil sur le present et de remonter à la cause de votre déplaisir pour en tirer des inductions qui feroient contraster des calomnies à côté de meritoires travaux judiciaires; je pouvais évoquer des archives de cette cour de muets mais eloquents défenseurs de la vérité et avec une entière confiance j'interrogerois la voix publique mais quoi! déjà elle se fait entendre dans une adresse ou elle s'afflige de votre départ et forme de tendres vœux pour votre retour! que faut il d'avantage? Les citoyens peuvent-ils jamais se tromper dans leurs plus chéris intérêts! non jamais en pareils cas, aussi ont ils lieu d'espérer que vous leur serez rendu. Il est temps que je termine; j'ai sans doute trop abusé de votre indulgence. Daignez agréer les vœux les plus sincères pour votre prospérité future, de celui qui est,

Avec la plus profonde considération,
Honorable Juge

Votre tres sincère et devoué serviteur,

J. F. De Blois, Avocat.

New Carlisle, 26 April 1828.

I do hereby certify, that no writs were issued by me, returnable at Percé, during the term of August 1827.

A. Beebe, P. P. C.

Correspondence
respecting
Mr. Thompson.LIST of CAUSES remaining undecided by the late Hon. Justice *Crawford* and *Caron*, when
Mr. Justice *Thompson* came into Office, and those Issued and Decided since.

No.	PARTIES.	When Writs Issued.	When Decided.	By whom Decided.	Sum sued for.
					£. s. d.
160	Melancton W. Barber v. William Cuthbert.	20 June 1826	10 July 1827	Hon. J. G. Thompson.	12 - -
27	John Milne v. John Le Feurre.	2 May 1825	29 Sep. —	ditto - -	17 4 4
138	Robert Sherar v. Peter Loesil.	4 Nov. —	3 Mar. 1828	ditto - -	6 11 4
137	Robert Sherar v. Pierre D. Arache.	1 Nov. —	— —	ditto - -	- 17 9
166	Auge Poirier v. Lau- rent Bourdages.	1 July 1826	13 Mar. —	ditto - -	100 - -
168	Auge Poirier v. Jean Albert.	11 Sep. —	24 Sep. 1827	ditto - -	35 - -
214	Francois Buteau v. Patrick O'Brien.	4 Aug. 1827	22 Sep. —	ditto - -	40 - -
152	Auge Poirier v. Jean Baptiste Anglebart.	6 Sep. 1826	12 Sep. —	ditto - -	3 14 4 ½
149	Auge Poirier v. Nicho- las Broceur.	— —	— —	ditto - -	9 15 -
148	Auge Poirier v. Etienne Castillon.	— —	19 Sep. —	ditto - -	9 8 5
166	Auge Poirier v. An- toine Ferrand.	— —	12 Sep. —	ditto - -	10 16 9
171	Auge Poirier v. John William Sullivan.	12 Sep. —	20 Sep. —	ditto - -	3 12 -
172	Auge Poirier v. Jacques Beudeil.	— —	12 Sep. —	ditto - -	9 13 6
161	Auge Poirier v. Joseph Dugay, jun.	6 Sep. —	— —	ditto - -	10 2 5 ½
159	Auge Poirier v. Jean Baptiste La Mare.	— —	— —	ditto - -	3 12 10
186	Michael Buckley v. George Brown.	29 June 1827	17 Mar. —	ditto - -	50 - -
188	James Thompson v. Andre Dugas.	— —	10 July —	ditto - -	3 18 -
195	Romain de Gaudrit v. Matthew Stewart.	5 July —	— —	ditto - -	5 - -
196	Romain de Gaudrit v. Peter Elwood.	— —	— —	ditto - -	11 - -
241	Joseph Walker v. James Sherar.	4 Sep. —	18 Sep. —	ditto - -	9 10 -
242	Hugh Smith v. Jean Le Bueffe.	5 Sep. —	12 Sep. —	ditto - -	10 10 -
243	James Shanon v. Jean Larue.	— —	13 Sep. —	ditto - -	10 - -
244	Michael Buckley v. George Brown.	— —	20 Sep. —	ditto - -	10 - -
245	Jean Larue v. Jacques Anglebart.	— —	— —	ditto - -	10 - -
247	John Cullen v. Joseph Keep.	7 Sep. —	14 Sep. —	ditto - -	4 15 3
248	John Cullen v. John Gallon.	— —	— —	ditto - -	7 12 8
249	John Cullen v. Joseph Le Page.	— —	— —	ditto - -	7 15 -
250	John Cullen v. Hubert Bigol.	— —	17 Sep. —	ditto - -	10 11 2
251	John Cullen v. Louis Bourdages.	10 Sep. —	29 Sep. —	ditto - -	11 9 10
252	John Cullen v. Hilaire Poirier.	— —	12 Sep. —	ditto - -	33 - -
253	Daniel Hall v. Alex- ander M'Neil.	— —	20 Sep. —	ditto - -	10 - -
254	John Cullen v. Ger- main Oilette.	— —	19 Sep. —	ditto - -	7 5 10 ½

(continued)

Correspondence
respecting
Mr. Thompson.

No.	PARTIES.	When Writs Issued.	When Decided.	By whom Decided.	Sum sued for.
					£. s. d.
255	John Cullen v. Nicolas Buteau.	10 Sep. 1827	19 Sep. 1827	Hon. J. G. Thompson.	9 14 10
258	Jean Larue v. Alexander Huard.	— —	— —	ditto - -	5 1 6 ½
259	John Cullen v. Hipolite De Gouffe.	— —	— —	ditto - -	10 17 2
261	Jean Larue v. Philip Anglebart.	— —	— —	ditto - -	3 9 -
262	Jean Larue v. George Larocque.	— —	— —	ditto - -	1 4 -
263	Joseph Keefe v. Pierre Arbon.	— —	20 Sep. —	ditto - -	2 8 -
265	John Cullen v. Michael Oben.	— —	29 Sep. —	ditto - -	16 2 -
266	John Cullen v. Joseph Fournier.	— —	— —	ditto - -	12 16 6
267	John Cullen v. William M'Kenzie.	— —	— —	ditto - -	50 - -
268	John Cullen v. Charles Bigol.	— —	13 Mar. 1828	ditto - -	61 - -
269	John Cullen v. Joseph Gautier.	— —	18 Mar. —	ditto - -	33 - -
272	John Cullen v. George Forsyth.	— —	20 Mar. —	ditto - -	25 - -
273	John Cullen v. Isaac Bernard.	— —	13 Mar. —	ditto - -	20 19 -
275	John Cullen v. Theophile Bigol.	— —	20 Sep. 1827	ditto - -	5 5 5
276	John Cullen v. Allan Bigol.	— —	— —	ditto - -	10 8 3
278	Robert Sherar v. John M'Adams.	— —	17 Sep. —	ditto - -	9 - -
283	Jacques Larue v. Jacques Anglehart.	14 Sep. —	20 Sep. —	ditto - -	2 6 -
284	John Cullen v. John Assels.	— —	20 Mar. 1828	ditto - -	26 2 -
298	William Carter v. Charlemagne Duguay.	26 Jan. 1828	8 Mar. —	ditto - -	9 19 -
299	Daniel Hall v. Alexander M'Neil.	— —	— —	ditto - -	7 16 -
300	Roger Barret v. Alexander M'Neil.	— —	7 Mar. —	ditto - -	1 7 -
304	George Kimball v. Alexander M'Neil.	25 Feb. —	— -	ditto - -	2 11 3
305	Jean Larue v. Jacques Huard.	— —	— —	ditto - -	- 18 -
307	John Milne v. Alexander Lambert.	— —	4 Mar. —	ditto - -	2 10 -
308	John Milne v. Hector Ross.	— —	6 Mar. —	ditto - -	9 6 6
313	Nicolas Braceur v. Jean Larue.	27 Feb. —	— —	ditto - -	11 - -
314	John M'Inness v. John Conners.	— —	8 Mar. —	ditto - -	6 9 7
317	Robert Pinkim v. Michael Kennedy.	— —	7 Mar. —	ditto - -	11 - -
320	Laurence Keehar v. Jean Larue.	— —	8 Mar. —	ditto - -	4 - -
323	James North v. James Assels.	5 Mar. —	— —	ditto - -	- 10 -
324	Laurence Keehan v. Jean Larue.	— —	— —	ditto - -	3 9 9 ¼
236	George Boyle v. Hugh Cuning.	20 Aug. 1827	25 Aug. 1827	ditto - -	74 11 3
235	Germain Dioune v. James Whaling.	— —	24 Aug. —	ditto - -	9 - -
233	Louis Boucher v. Samuel Ray.	18 Aug. —	— —	ditto - -	2 1 -

Correspondence
respecting
Mr. Thompson.

No.	PARTIES.	When Writs Issued.	When Decided.	By whom Decided.	Sum sued for.
230	Louis Boucher v. Baptiste Thivierye.	11 Aug. 1827	20 Aug. 1827	Hon. J. G. Thompson.	£. s. d. 5 10 1
120	Germain Dioune v. Barry M'Swiny.	31 July 1826	21 Aug. —	ditto - -	7 1 3
118	Germain Dioune v. Jean Baptiste Coullard.	— —	17 Aug. —	ditto - -	6 9 -
131	Jean Baudin v. John Morrent et al.	0 Aug. —	21 Aug. —	ditto - -	100 - -
132	Thomas Snow v. John Mourant et al.	— —	— —	ditto - -	50 - -
133	Pierre Bienvenue v. John Mourant et al.	— —	— —	ditto - -	70 - -
130	Michael Furlong v. Joseph Stowe Juzo.	11 Aug. —	— —	ditto - -	25 - -
209	Auge Poirier v. Joseph Bodin.	1 Aug. 1827	17 Aug. —	ditto - -	4 1 11
202	Michael Furlong v. Peter Gerrard.	— —	— —	ditto - -	2 17 -
203	Michael Furlong v. James St. Croix.	— —	— —	ditto - -	1 19 -
204	Michael Furlong v. John Poor.	— —	— —	ditto - -	3 - -
207	Michael Furlong v. Thomas Goarman.	— —	— —	ditto - -	0 12 6
208	Michael Furlong v. William Denehay.	— —	— —	ditto - -	5 14 6
210	Michael Furlong v. Stephen Boyle.	— —	— —	ditto - -	11 2 -
212	Isaac Deehene v. Cha. Querioet, jun.	— —	— —	ditto - -	4 10 -
213	Germain Dioune v. Jean Bapt. Thicverye.	4 Aug. —	18 Aug. —	ditto - -	11 2 2
215	François Buteau v. François Gayné.	3 Aug. —	— —	ditto - -	4 12 11
216	François Buteau v. Eli Cass.	— —	— —	ditto - -	9 15 3
217	François Buteau v. Charles Rail.	— —	— —	ditto - -	7 3 3
218	François Buteau v. Joseph Arbon.	— —	— —	ditto - -	4 19 10
219	François Buteau v. Silvestre Rail.	— —	— —	ditto - -	10 17 8
220	François Buteau v. Pierre Alagie.	— —	— —	ditto - -	3 - -
221	François Buteau v. Jean Quemeneau del Laffeur.	— —	— —	ditto - -	10 13 7
222	François Buteau v. Antoine Rail.	— —	— —	ditto - -	3 16 3
223	François Buteau v. Jean Bte. Collin.	— —	— —	ditto - -	8 9 3
224	François Buteau v. François Hayden.	— —	— —	ditto - -	7 13 10
225	François Buteau v. Joseph Quemmean del La Flame.	— —	— —	ditto - -	9 18 6
226	François Buteau v. Jean Coulier Dupré.	— —	— —	ditto - -	0 12 11
227	François Buteau v. Richard Morin.	— —	— —	ditto - -	4 10 6

I do hereby certify, that this list contains all the causes decided in the provincial court remaining when Mr. Justice Thompson came into office, and those issued and decided since.

New Carlisle, 14 April 1826.

A. Bêze, P. P. C.

Correspondence
respecting
Mr. Thompson.

To His Excellency *George Earl of Dalhousie*, Baron *Dalhousie* of Dalhousie Castle, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-general and Governor-in-chief in and over the Province of *Lower Canada*, &c. &c. &c.

The Memorial of *John Gawler Thompson*, Esq., Judge of the Inferior District of *Gaspé*,

Respectfully sheweth,

That your Excellency's memorialist received at Paspébiac, on the 28th day of December last, from the Honourable Andrew William Cochran, civil secretary to your Excellency, the letter bearing date the 20th day of November last, whereof a copy accompanies this memorial.

That your memorialist, upon the receipt of the said letter, attempted forthwith to proceed by land to Quebec personally, to justify himself from the unfounded charges which had been made against him in his absence, and apparently supported by evidence which had not been communicated to your memorialist.

Penetrated with gratitude for the favours already conferred by your Excellency upon your memorialist, it was to the last degree painful to him to find that your Excellency had been deceived by designing men, and led to believe that your memorialist had been guilty of most improper conduct.

Your memorialist finding it impossible to travel to Quebec on the winter roads, availed himself of the first opportunity in the spring to come hither personally to defend his honour and his character, and to repel these charges.

Your memorialist hopes that your Excellency will see in this motive an adequate excuse for the temporary absence of your memorialist from this district.

Your memorialist begs leave to lay before your Excellency, with the present memorial, certain papers and documents, from which your Excellency may be led to form some judgment of the weight due to the charges which have been made against him.

In the meantime, and before that full and complete refutation of these charges which your memorialist pledges himself to make, your memorialist humbly solicits leave of absence from his district for the space of 10 days, and that your Excellency will be pleased to direct that copies of all letters, examinations or documents implicating the character of your memorialist, in the possession or custody of the civil secretary of your Excellency, be communicated to your memorialist; and your Excellency, in granting this prayer, will add one additional favour to the multiplied ones for which as well your memorialist as his family lie gratefully indebted to your Excellency.

Quebec, 10 May 1828.

John G. Thompson.

Sir,

Castle of St. Lewis, Quebec, 22 May 1828.

I HAVE not failed to lay before his Excellency the Governor-in-chief, your letter of the 21st instant, and I am directed by his Excellency to acquaint you that it appears to him in so favourable a light as to lead him to the persuasion that the reports in circulation and the statements made to his Excellency, which gave rise to the letter addressed to you by me, by his Excellency's orders on the 20th November last, must have been founded in an erroneous view of your conduct. Under that impression, confirmed by the tenor of the addresses and testimonials presented to you, in terms so creditable to your character, by the persons among whom you have lived and constantly associated, his Excellency feels it but just to decline going further into the subject; and the unfavourable impression being removed from his mind, his Excellency has only now to request that you will resume your duties in the district of Gaspé, to which you will be conveyed in the Kingfisher, if you wish it.

I have, &c.

A. W. Cochran, Secretary.

His Excellency will see you at any time between twelve and two o'clock to-morrow.

The Hon. Judge Thompson.

A. W. C.

(True Copies.)

John G. Thompson.

Province du Bas Canada, Comté de *Gaspé*.

Aux Honorables, Chevaliers, Citoyens et Bourgeois des Communes de la Province du Bas Canada, assemblés en Parlement, &c. &c.

Nous, les fideles et loyaux sujets de sa Majesté, propriétaires, tenanciers et habitans du comté de Gaspé, dans la province du Bas Canada, craignant que des individus mal intentionnés ne vous aient représenté le comté de Gaspé sous de fausses couleurs, et n'aient créé dans vos esprits des doutes sur la droiture et la sincérité de nos intentions, saisissons, avec empressement, la voie d'une humble requête, pour vous exprimer notre attachement et notre respect pour les trois branches de la législature de cette province, et pour vous assurer, en même tems, que nous n'avons jamais partagé les sentimens, ni participé aux procédés de quelques partisans aveugles de l'administration souvent arbitraire de notre ci-devant Gouverneur Lord Dalhousie.

Et en effet, c'est avec surprise et avec douleur que nous avons appris, après l'expulsion de Robert Christie, écuyer, des communes de cette province, que l'élection d'un nouveau représentant,

représentant, qui fût digne de siéger parmi vous, avoit été fixée par l'officier rapporteur, au quinzième jour d'Avril dernier; dans un tems, où il étoit impossible de se transporter au Bassin de Gaspé, où devoit s'ouvrir l'élection, sans exposer sa vie à un danger éminent et nous ne pouvons vous dissimuler qu'une pareille manœuvre n'a été adoptée par les agens dévoués du représentant actuel, que dans la vue d'assurer sa réélection et de le renvoyer au Parlement provincial contre le désir manifeste des communes, et contre le vœu général du comté.

Prévoyant bien le malheur de n'être pas représentés dans la prochaine session du Parlement provincial et les pertes, qui doivent nécessairement nous en résulter, nous ôsons élever la voix, et nous adresser à vous avec confiance, persuadés que votre zèle à promouvoir l'intérêt général de la province, et de ce comté en particulier, vous engagera à jeter un œil favorable sur l'exposé de nos besoins les plus urgens, et que votre sagesse et vos lumières vous suggéreront des remèdes proportionnés à nos maux.

C'est dans cette ferme persuasion que nous avons l'honneur de vous exposer comme griefs ce qui suit.

Grief 1. La vaste étendue du comté de Gaspé, l'accroissement rapide de la population, et particulièrement la diversité des intérêts entre Gaspé et la Baie des Chaleurs nécessitent une division du comté et une augmentation dans la représentation.

2. Les élections du représentant du comté de Gaspé se font à New Carlisle et au Bassin de Gaspé exclusivement, c'est-à-dire, dans la seule partie du comté, ou la maison Robin, dont les intérêts militent contre ceux du comté, exerce une influence indue sur les habitants qui lui sont presque tous endettés et nous exclut, par le fait, de la représentation, en nous privant de l'avantage d'avoir un représentant de notre choix.

3. Depuis le Bassin de Gaspé, jusqu'à l'ance à Beaufile, c'est-à-dire, dans le court espace de douze lieues, on compte jusqu'à dix juges de paix; et depuis l'ance à Beaufile jusqu'au haut de Ristigouche, c'est-à-dire, dans une étendue d'au moins soixante lieues, il ne s'en trouve que quatorze dont un reside dans la province voisine, ce qui forme en tout vingt-quatre juges de paix, dont trois seulement sont Canadiens d'origine Française, quoique les huit neuvièmes de la population soient natis du pays, et de origine Française.

4. Le mauvais état des chemins, et le manque total de chemins dans plusieurs parties du comté, rendent les communications extrêmement difficiles, gênent le comté dans ses rapports internes, et s'opposent à l'essor de l'industrie.

5. Il n'y a pas une seule traverse régulièrement établie dans tout le comté quoique depuis la Baie de Gaspé jusqu'à Ristigouche, on compte douze rivières, dont trois seulement sont guéables, à mer basse.

6. Les revenus attachés à l'office de grand voyer du comté de Gaspé quoique suffisants pour mettre cet officier en état de remplir ses devoirs avec avantage pour le comté, n'ont jamais produit l'effet attendu.

7. Le comté de Gaspé est la seule partie importante de la province qui soit privée de l'avantage de pouvoir communiquer régulièrement dans ses propres limites, par le moyen des bureaux de poste; privation, que se fait sentir vivement dans ses rapports civils, politiques et commerciaux avec la capitale et les autres villes de la province.

8. Le terme de dix jours pour la tenue des cours supérieures de New Carlisle et de Percé est insuffisant pour la due administration de la justice dans ces deux parties du comté.

9. La juridiction de la cour provinciale du district inférieur de Gaspé est limitée à une somme trop faible, en égard à l'importance actuelle des intérêts du comté.

10. Le commerce du comté de Gaspé avec la mère patrie, et les isles Britanniques, les différends, qui originent de la navigation, et la grande distance, qui se trouve entre les parties importantes du comté et la capitale nécessitent l'organisation d'une Cour d'Amirauté dans le comté.

11. Les quatre résolutions que le représentant actuel du comté de Gaspé s'est efforcé de vous faire adopter quant au mode d'établir une prime sur le poisson, bien loin d'avoir pour but l'intérêt général du comté ne tendent réellement qu'à favoriser quelques individus et particulièrement la maison Robin.

12. Les missionnaires de l'église de Rome, dans le comté de Gaspé sont sans sûretés pour leurs dixmes, et les missions sans moyens coercitifs.

13. L'ordonnance de la 29 Geo. 3, chap. 3, sect. 11 et 12, peut avoir un effet dangereux au district et comté de Gaspé en autant qu'elle est dérogoratoire à l'ordonnance de la 26 Geo. 3, chap. 2.

14. L'acte provinciale de la 9 Geo. 4, chap. 42, sect. 10, intitulé, "Acte relatif aux Pêches dans le comté de Gaspé," qui accorde un privilège au dernier equippeur est extrêmement dangereux au comté parceque les equippeurs ne fournissent des provisions de bouche que pendant la saison de la pêche, et que les habitants sont dans la nécessité d'avoir recours, pour leur subsistance pendant huit mois de l'année, à des trafiqueurs, qui n'osent plus leur avancer, à cause de ce privilège de dernier equippeur.

15. L'acte provinciale de la 59 Geo. 3, intitulé, "Acte pour assurer les habitans du district inférieur de Gaspé dans la jouissance et possession de leurs terres" ne remédie pas aux maux, que la Législature voulvit faire disparaître, et ne donne aux habitans du comté aucun titre translatif de propriété.

16. Les Commissaires appointés, en vertu de l'Acte ci-dessus cité n'ont pas rempli le but de l'Acte, ont laissé les habitans du comté de Gaspé dans un état pire qu'auparavant, et ont

Correspondence
respecting
Mr. Thompson.

ont cependant exigé d'eux des sommes d'argent considérables, quoique la Legislature eût amplement pourvu aux frais de la commission.

Certified to be a true copy of petition, and signatures thereunto attached.

Wm. B. Lindsay, Clerk Assembly.

New Carlisle, 19 Octobre 1829.

L. S. Malo, Proc.
Ed. Thibaudeau.
William Flowers.
Fubien Poirier.
+ Maximilien Poirier.
+ Julien Gauthier.
+ Philippe Arseneau.
Alexander Bernard.
Felix Poirier.
+ Laurent Bourdages.
+ Joseph Poirier.
+ Frederick Arseneau.
+ Ubald Bourq.
+ Eusebe Arseneau.
+ Pierre Bourq.
+ Pierre Babin, fils.
Gregoire Arseneau.
Gilbert Poirier.
John North.
+ Victor Hebert.
+ Laurent Babin.
John Caldwell.
Chr. Cavanaugh, J. P.
Charles Gauthier.
+ Joseph Babin.
+ Alexander Arseneau.
+ Jean P. Arseneau.
Jean B. Lavallee.
+ Pierre Bourdages.
+ Michel Quepy.
+ Alexander Moreau.
+ Jean L. Caillouette.

+ Alexander Bernard.
+ Maurice Cavanagh.
+ Frans. Hebert.
+ Etienne Bigol.
+ Felix Arbon.
+ Philippe Le Page.
+ Fidele Bernard.
+ Jean Hebert.
+ Fidele Babin.
James Caldwell.
Charles Bigol.
Firmin Boyd.
+ Joseph Gauthier.
+ Isaac Bernard.
Jean Baptiste Fresate.
+ Nicolas Poirier.
+ Aimé Arseneau.
+ Louis Gregorie.
+ Jean Tessier.
+ Pierre Arbour.
+ Dominique Le Page.
+ Romain Poirier.
+ Hylaire Poirier.
Nicollas Cavanaugh.
+ Alexander Voyer.
+ Pierre Poirier.
+ Louis Bourdages.
+ Charles Babin.
Paul Poirier.
+ Leonard Bigol.
+ Jean B. Poirier.
+ Telesphore Poirier.

No. 1. Nous certifions que les signatures ci-dessus et des autres parts sont véritables,
Charles Cavanaugh, J. P. }
E. Thibaudeau. } Temoins au certificat ci-dessus.

Bonaventure, 25 Octobre 1829.

G. Bourdages.
+ Nicolas Arseneau.
+ Jacques Fredette.
+ Olivier Bourdages.
+ Louis Le Page.
+ Louis Poirier.
+ Hubert Cavanaugh.
+ Hubert Bernard.
+ Joseph Arseneau.

+ Cyrile Le Page.
+ Francis Bourdages.
+ Jean S. Babin.
+ Joseph Le Page.
+ Felix Bernard.
+ Pierre Mullet.
+ François Paquette.
+ Aimé Poirier.

No. 2. Nous certifions que les signatures depuis le certificat ci-dessus sont véritables,
Felix Poirier. }
E. Thibaudeau. } Temoins au présent certificat.

Bonaventure, 25 Octobre 1829.

Robert Smattett.
+ William Garret, sen.
Asa Beebe.
A. Alexander.
Daniel Caldwell.
James Morrison.
James Sawyer.
+ John Duneau.
John Gallant.
Will. Adams.
+ Philippe Rafter.

Edward Caldwell.
Robert W. Kempffer.
William M'Gear.
William Granger.
John Rafter.
× William Adams, sen.
Hugh Caldwell.
Charles Caldwell.
John Grebs.
Charles Forest.
× John Thompson.

No. 3. Nous certifions que les signatures depuis le certificat ci-dessus numero deux sont véritables,

E. Thibaudeau. }
Robert Smattett. } Temoins au présent certificat.

New Carlisle, 27 Octobre 1829.

J. Chisholm.
 John Chisholm.
 Neil M'Kinon.
 Philip Starns.
 + Germain Blais.
 James Scott, jun.
 + M. F. Caristie.
 Jule Loisel.
 + Lange Joseph.
 William Scott.
 Thomas Scott.
 + François Lenard, fils.
 + Pierre Hadsenay, fils.
 S. Talbot.
 John Todd Caldwell.
 James Wright.
 Andrew Chisholm.
 R. J. Sherar.

Thomas Doody.
 + Adam Scott.
 James Scott.
 + Peter Lambert.
 Mrs. Benjamin Joseph.
 Joseph Joseph.
 George Beauchamp.
 Matthew H. Scott.
 + Manuel Le Brasseur, fils.
 + James Larney.
 + Andre B. Roussi.
 David Hall.
 + François Huard.
 Philippe Ahier.
 + Nicolas Landry.
 Daniel Starnes.
 Amos Hall.

Correspondence
 respecting
 Mr. Thompson.

No. 4. Nous certifions que les signatures depuis le certificat No. 3 sont véritables,

E. Thibaudeau. } Temoins au présent certificat.
J. Chisholm. }

New Carlisle, 29 Octobre 1820.

+ Pierre Babin.
 M. Boutin.
 + Michel La Santé
 Felix Le Buffe.
 + Antoine Bourdages.
 Azariah Pritchard.
 Patrick Wallace.
 Maurice Power.
 + Melliade Bourdage.
 M. Richardson.
 + Joseph Marin.
 Ralph Pritchard.
 James Casidy.
 Amant Cire.
 François Serè.
 + Raymond Bourdages.
 Jean Le Blanc.
 Jean Le Buffe, fils.
 Robert J. Pritchard.
 François Boutin.
 Francis Simmons.
 + Jacques Le Buffe.
 Ralph Edward Pritchard.
 + Ambroise Babin.
 + Florens Le Blanc.
 + Antoine, Boule.
 + Jean Bernard Le Blanc.
 Owen O'Callaghan.
 Joseph Désiré Cire.
 John M'Carthy.
 + Jean Sire.
 + Aubin Le Gouffle.
 Hugh Robertson.
 James Hunt.
 + Duncan Robertson.
 + Louis Cormier.
 + Ephemie Cormier.
 + Aimé Constant Cormier.
 Gregoire Le Blanc.
 + Joseph Delorier.
 M. P. Dimock.
 Patrick Chesser.
 Frederick Loubere.
 Edouard Badeaux.
 + William Mowat, jun.
 H. Polette, J. P.
 Robert Barely.
 J. M. Tabillon.
 + Fabien Allain.

+ Jean L' Allain.
 + Paschal St. Ouge.
 + Tranquile Laviolette.
 + Et^{ne} Berthelotte.
 Simon Bernard.
 Maxime Dugas.
 + Paul Audette.
 + Jean Loubert.
 R. W. H. Dimock.
 James Dockie.
 William Foran.
 + Alexandre Mercier.
 + Joseph Greim.
 Hugh Smith.
 John Coublon.
 Pierre Le Blanc.
 + Edouard Le Blanc.
 + Nicolas Cormier.
 Pr Felix Kiouff.
 + Laughlin M'Cormick.
 Patrick Walsh.
 Hezekiah Kierstead.
 + William Mowat.
 Hilary Michaud.
 Joseph Birt.
 Joseph Meagher.
 Sebastien Landry.
 Nicolas Lanchy.
 Joseph Caissy.
 + Mathurin Le Blanc.
 + Michel Gauthier.
 + Marcien Audette.
 Avillas Le Blair.
 + Benoni Audette.
 + Louis Normandeau.
 + Jean B^{te} Le Blanc.
 + Maxime Audette.
 Pierre Day.
 + Joseph Porlier.
 + Hilarion Loubert.
 + Regis Estiembre.
 + Urbain Boudreau.
 + Jean B^{te} Bariau.
 + Pierre Bariau.
 Felix Dugas.
 Isuac Bernard.
 + Joseph Le Blanc.
 + Lue Le Blanc.
 Desiré Sain Coeur.

Correspondence
respecting
Mr. Thompson.

Edouard Bariau.
+ Hypolite Le Blanc.
+ Thadée Le Blanc.
+ Edouard Allard.
+ Joseph Normandeau.
+ Nicolas Damboise.
+ François Guillot.
+ Juliero Levesque.
+ Hely Leveque.
+ Jean B^{te} Audette.
+ Joseph Audette.

Magloire Bernard.
Gabriel Lapointe.
Jacques Auffroy.
+ Frederick Desloriers.
+ Alexis Portier.
+ Frederick Dugas.
+ Frederick Arsinot.
+ Hypolite Le Blanc.
+ Laurent Dugas.
+ Bernard Le Clerc.

No. 5. Nous certifions que les signatures ci-dessus depuis le certificat numero quatre sont véritables.

E. Thibaudeau. }
C. M. Tabillon. } Temoins au présent certificat.

Carleton, 30 Novembre 1820.

Lazare Bujol.
+ Joseph Landry.
+ John Ward.
+ Eusebe Arsenau.
Joseph Gaqué.
+ Etienne Berthelot, pere.
Frederick Cigel.
Urbain Laviolette.
+ Jean Laviolette.
+ Joseph Debigarré.
Hippolite Gaquée.
+ Zenou Laviolette.
Joseph Arsenaut.
+ Jacques Berthelot.
+ Pierre Berthelot.
B^t Chaput.
+ Romain Bigol.
+ Jules Allard.
+ François Parent.
+ Hubert Le Blanc.
+ Jean Le Blanc.
+ Jean Parent.
J. B. Landry.
+ François Bélanger.
+ Isaac Le Blanc.
+ Marcel Breton de Girard.
J. E. Man.
+ Pierie Johnson.

+ Jean Porlier.
Jean Gauveau.
Pierre Gaqué.
+ Joseph Berthelot.
+ Lazare Allain.
+ François Laviolette.
+ Joseph Laviolette.
+ Isai Boudreau.
+ Aimé Allain.
Florant Arsenod.
+ Polycarpe Nadeau.
+ John Berthelot.
Frederick Jam.
Colin M'Lennan.
+ Fabien Bigol.
+ Paul Eusebe Johnson.
+ Luc Johnson.
+ Joseph Bugol.
+ Paul Johnson.
Hilaire Jeue Dezt.
Fabien Allin.
Bernard Loubert.
+ Louis Guillot.
Joseph Leblance.
+ F. A. Le Blanc.
Frederick Allard.
John M'Taggart.

No. 6. Nous certifions que les signatures ci-dessus depuis le certificat numero cinq sont véritables.

E. Thibaudeau. }
H. Poulette, J. P. } Temoins du présent certificat.

Carleton, 2 Décembre 1820.

+ Vincelas Le Blanc.
+ Nicolas Normandeau.
+ François Boudreau.
+ Joseph Sainton.
+ Aimé Estiembre.
+ Joseph Le Blanc.
Patrick Meagher.
+ Laurent Normandeau.
+ Josue Le Blanc.
+ Joseph C. Le Blanc.
+ Lazare Mercier.
Joseph Landry.
+ Charles Poilier.
+ Félix Porlier.
+ Pierre Audette.
+ Gabriel Audette.
+ Hypolite Porlier.
+ Augustin Goulet.
+ Louis Allaire.
+ Louis Estiembre.

+ Romain Boudreau.
+ Louis Normandeau.
+ Pierre Estiembre.
André Dugas.
+ Pierre Bariau.
Benjamin Le C. Lanc.
+ Clète M. Le Blanc.
+ Pierre Mercier.
+ Charles Le Blanc.
+ Pierre Landry.
Joseph Porlier.
+ Heli Le Blanc.
+ Joseph Audette.
Fabien Fougere.
+ Jean Goulet.
Napoleon Landry.
Charles Forest, J. P.
+ Amateur Henry.
C. Arbon.
Robert Caldwell.

Samuel Chatterton.
David Poinere.
Peter Lynd.

Captain de Mibie.
Robert Sherar.

Correspondence
respecting
Mr. Thompson.

No. 7. Je certifie que toutes les signatures ci-dessus depuis le certificat numero six sont véritables.

E. Thibaudeau, Temoin au présent certificat.

New Carlisle, 20 Décembre 1820.

(D.)

Sir,

Castle St. Lewis, Quebec, 11 February 1831.

I AM commanded by his Excellency the Governor-in-chief to transmit you the enclosed petition from several inhabitants of Percé, in the district of Gaspé, praying that an Indian (named Jean Jennot Pamliote) who they state has been confined in the Percé gaol for more than a year, on suspicion of being an incendiary, may be brought to trial, and representing also the want of additional magistrates in that part of the country, and to request you will report thereon for his Lordship's information.

I have, &c.

The Hon. Mr. Justice Thompson, Gaspé.

(signed) *J. B. Glegg*, Secretary.

To His Excellency the Right Honourable Lord *Aylmer*, Governor and Commander-in-chief of all His Majesty's Forces in the Provinces of *Lower* and *Upper Canada* and their dependencies, Administrator of the Government, &c. &c. &c.

The humble Memorial of the undersigned principal inhabitants of Percé, in the district of Gaspé, province of Lower Canada,

Humbly sheweth,

THAT Jean Jennot Pamliote, an Indian, committed on the 26th August 1820, to His Majesty's common gaol at Percé, by James Crawford, esq., one of His Majesty's justices of the peace for the said district of Gaspé, on suspicion of being an incendiary, in the house of André Lagorgendiere (also an Indian) at Gaspé Basin, and likewise on the oath of George Boyle, esq., as a dangerous person to be at large.

That the said Jean Jennot Pamliote has been detained a close prisoner in the said gaol, from the date of his commitment until the present day, on the gaol allowance, without being brought to a trial, although a court of judicatory was held at Douglas town, in the said district, in the month of August last. The court of sessions, which should have been previously held at Percé in the same month, was passed over for want of a quorum.

That the prisoner, through long confinement (though receiving uniformly much from the humanity of the gaoler), is ill and crippled from cold, owing to the neglect of the sheriff of the district in not procuring stoves, or causing them to be placed in such a manner as to convey some heat into the cells, and making rules for the interior order and police of the gaol according to law.

Therefore your memorialists humbly pray your Lordship to take the prisoner's case into consideration, to the end that he may the sooner be brought to a trial. This wholly from a principle of justice and humanity, and that His Majesty's liege subjects may not in future be liable to the same cruel treatment and unlawful detention.

Your Lordship's memorialists also humbly beg to submit, that the want of two or more magistrates in this place and neighbourhood (a distance of upwards of 20 leagues of coast, and comprising a population exceeding 3,000 souls), is amongst the most pressing wants, inasmuch as the road and other laws cannot be put in force, and that the amelioration of the country is thereby greatly retarded.

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

Percé, 21 December 1830.

James Le Blond.
Edouard Trachy.
James Rooney.
John Le Brocq.
John Beaker.
Lf. D. Boucher.
Jacques Labbé.
James Tostevin.
Jasper Morris.

John Le Boutellier.
Patrick O'Brien.
Edmund Flynn.
Patrick O'Connor.
Thomas Moriarty.
Michael Furlong.
Victor Mignault.
J. B. M'Mahon, P^{tra}.

Correspondence
respecting
Mr. Thompson.

Sir,

Castle St. Lewis, Quebec, 30 April 1831.
THE accounts of the sheriff's expenses of the district of Gaspé, for the last two years, not having been received, and frequent complaints made by individuals who have not been paid for sundry articles supplied for the use of the gaol, I am directed by his Excellency to request you will demand from that officer his reasons for having so long neglected to comply with the regulations established in that respect, of rendering his accounts half-yearly. I am also desired by his Excellency to acquaint you that he (the sheriff) has not called for any monies on account of his contingent expenses for the last two years.

I have, &c.,

J. B. Glegg, Secretary.

Hon. Mr. Justice Thompson, Gaspé.

Sir,

Paspébiac, 22 June 1831.
ON my return from Quebec, I found on my table a letter from the civil secretary, dated 30 April last, stating that the accounts of the sheriff's expenses of the district of Gaspé, for the last two years, not having been received, and frequent complaints made by individuals who have not been paid for sundry articles supplied for the use of the gaol, that he was directed by his Excellency the Governor-in-chief to request that I would demand from you your reasons for having so long neglected to comply with the regulations established in that respect, of rendering your accounts half-yearly; I therefore beg that you will communicate your reasons, as above required, previous to my leaving this for Carleton, so that I may be enabled to comply with his Excellency's request.

I have, &c.,

John G. Thompson.

James F. Winter, Esq. Sheriff,
District of Gaspé.

Honourable Judge,

Paspébiac, Sheriff's-office, 25 June 1831.

I HAVE the honour to acknowledge the receipt of your letter, dated 22d instant, in reply to which I respectfully submit what follows:

That, as a British subject, and as a sheriff of His most Gracious Majesty, the King of Great Britain and Ireland, I do not conceive that the vast legal powers with which your honour is invested, powers which, by the laws and constitution of Canada, must be distinct and separate, both from the executive and legislative powers, and that in such a degree and manner that their anomaly or heterogeneous union may not even be suspected; I repeat it, that I do not conceive that the vast legal powers with which your honour is invested can either authorize or justify you in intervening or meddling with the matter contained in the letter from the executive mentioned in yours.

Let your Honour only recollect that I am the defendant in a cause actually pending in the honourable His Majesty's provincial court, founded on pretended causes of complaint, to which you allude in your above-mentioned letter, complaints, whether founded or unfounded, on which your Honour will have to decide judicially. As sheriff, I cannot be ignorant, that if at any time I should knowingly and voluntarily act an unconstitutional part towards His Majesty's Government, the executive of Lower Canada will not be at a loss, by legal and constitutional means, to compel me to respect and execute those laws which I am most particularly and emphatically bound to observe. In this supposition, might not your Honour, as judge, be called upon for an opinion by His Majesty's representative? might you not be constitutionally consulted in such matters?

Convinced also that, as sheriff, my only duties towards His Majesty's provincial court for the inferior district of Gaspé are to respect, maintain and support its authority, and to execute its legal orders and decrees, I believe I would act an unconstitutional part, and derogate from those duties, were I particularly and circumstantially to answer your Honour's letter, as I cannot be persuaded that John Gawler Thompson, esq., from whom I have received the above-mentioned letter, is any other than the Hon. John Gawler Thompson, provincial judge for the inferior district of Gaspé. But, from respect for his Excellency's request, I have the satisfaction to inform your Honour that I have, previous to the receipt of your letter, had the pleasure to obey his Excellency's commands in this respect, as promptly as adventitious circumstances have permitted.

I have, &c.

J. Ferguson Winter, Sheriff, District Gaspé.

To the Hon. John Gawler Thompson,
Provincial Judge for the Inferior District of Gaspé.

Sir,

New Carlisle, 10 July 1831.

I HAVE the honour to acknowledge the receipt of your letter of the 30th April last, which reached me on the 19th June following, communicating his Excellency's commands to demand from the sheriff of this district his reasons for having so long neglected to comply with the regulations established respecting the rendering his accounts half-yearly, his accounts of the expenses of this district for the last two years not having been received, and frequent complaints made by individuals who have not been paid for sundry articles supplied for the use of the gaol.

In compliance with his Excellency's commands, I wrote to the sheriff and received his answer, which answer, together with a copy of my letter to him upon that subject, I herewith inclose.

I have, &c.

John G. Thompson.

To J. B. Glegg, Esq.,
Civil Secretary, &c. &c., Quebec.

To the Honourable *John Gawler Thompson*, Provincial Judge for the Inferior District of Gaspé.

The humble remonstrance of the undersigned principal inhabitants of Percé, in the county of Gaspé,

Most respectfully represents,

THAT the undersigned feel with deep regret, that notwithstanding their former remonstrance respecting the imperfect and extraordinary state of the gaol at Percé, in the county of Gaspé, and the unwarrantable conduct of the officer of the Crown charged *ex officio* with the superintendance thereof, the evils thus become the just subject of complaint, so far from being remedied, are daily on the increase, and would call for prompt redress.

That the above abuses, endangering the lives of His Majesty's liege subjects, and bringing justice into disrepute, are deducible from the following causes, is sufficiently manifest.

1. That James Ferguson Winter, Esq., sheriff of the inferior district of Gaspé, has hitherto wantonly neglected to purchase stoves and other indispensable necessaries and arms for the use of the said gaol.

2. That the biscuit which the said sheriff furnished last autumn to the said gaol was manifestly unwholesome, and such as is not eatable.

3. That the prisoners who have been hitherto committed to the said gaol have endured in winter the most extraordinary privations; nay, one of them, melancholy to relate, died lately of cold, after a detention of 20 months on suspicion of felony, without trial, although a court of quarter-sessions was held at Douglas town, in the said county, 12 months after his commitment, and would have starved but for the extreme humanity of the present gaoler and neighbours.

4. That the said sheriff has hitherto neglected to cause the apprehension of three burglars who were regularly committed last winter to the said gaol, and who broke out thereof after about two months' detention, and have ever since remained unmolested in their county, to the civil example of youth, and the injury of the public justice, which they actually set at defiance.

5. That the said sheriff has as yet neglected to make rules for the interior police of the said gaols, and to account upon oath on the first juridical day of every term, as required by law.

6. That the said sheriff is irregular and false in his returns, to the serious damage and loss of the parties, few having the means of meeting the enormous expenses consequent on multiplied suits, which would create amongst the people a disgust for the courts themselves.

7. That the said inhabitants apprehend much of the neglect of the said sheriff arises from a want of means, obstinacy and a too precarious credit, and have therefore no confidence in him, while, at the same time, the security held out by the bail-bond is only personal.

Wherefore the said inhabitants, justly entertaining the highest respect for your Honour, your regard for justice and wish to promote the ends thereof, request that you will be pleased to forward these their grievances to the proper authority, to the end that the said sheriff may be dismissed from office, as he has not well and truly demeaned himself in the execution of the duties thereof according to law.

Percé, county of Gaspé, 26 November 1831.

Correspondence
respecting
Mr. Thompson.

Sir,

Castle St. Lewis, 30 January 1832.

I HAVE the honour to acknowledge the receipt of your letter of the 24th ult., inclosing a petition from several inhabitants of Percé, representing the bad state in which the gaol at that place is kept, complaining of F. Winter, Esq., sheriff of the district of Gaspé, and praying that he may be removed from office. Having submitted this petition to his Excellency the Governor-in-chief, I have received his commands to transmit to you a copy thereof, which I inclose, and to request you will transmit the same to the sheriff, calling upon him at the same time to answer within 14 days to the allegations contained in the said petition, failing to do which his Lordship will consider that he has nothing to advance in refutation of those allegations, and shall proceed to act accordingly. I need scarcely add my request, that you will report the result of the communication you are requested to make in this matter for his Lordship's information.

I have, &c.

Hon. Mr. Justice Thompson.

H. Craig, Secretary.

Sir,

Castle St. Lewis, Quebec, 6 February 1832.

WITH reference to my letter of the 30th ult., requesting you to communicate to James F. Winter, Esq., sheriff of the district of Gaspé, the copy of a petition addressed to yourself by several inhabitants of that district, and which you forwarded for the information of his Excellency the Governor-in-chief, being a complaint against the official conduct of that officer, and requesting you to call upon him for an answer in refutation of what was alleged against him, I have received the commands of his Lordship to transmit to you the inclosed copy of another petition since received from several inhabitants of the county of Gaspé; also complaining of the official conduct of the sheriff, and praying for his suspension from office, which I am to request you will in like manner communicate to Mr. Winter, and acquaint me with the result for his Lordship's information.

I have, &c.

Hon. Mr. Justice Thompson,
New Carlisle.

H. Craig, Secretary.

To His Excellency the Right Honourable Lord *Aylmer*, Governor-in-Chief, &c. &c. &c.

The humble petition of the undersigned inhabitants of the county of Gaspé,

Most humbly sheweth,

THAT by the provincial statute regulating the office of sheriff, that officer is obliged to account upon oath on the first juridical day of every term of the courts in the several districts of this province, that accounting so, at short intervals, monies should not accumulate in the hands of that officer.

That notwithstanding such enactment, your Excellency's petitioners regret to say, that James Ferguson Winter, Esq., the sheriff of the inferior district of Gaspé, has wantonly absented himself from the courts held in this county during the two terms last past, comprising the period of two years.

That the said sheriff not having accounted for so long a period, it is a contempt and great injustice, and your petitioners apprehend that the security given to the public by the bail-bond is adequate.

That the said sheriff has neglected his duty towards the gaol of this county to such a degree as to endanger the lives of the prisoners, who have been, in winter, committed to the said gaol, to the discredit of the Government and the indignation of all the world.

That the prisoner, viz. Peter Gasgnier, actually detained in the said gaol (as the late Indian was), endures such privations as call for this representation of the neglect and inefficacious conduct of the said sheriff in procuring stoves, biscuit and other minor necessaries required for keeping the said gaol and prisoners.

Wherefore your petitioners humbly pray that your Excellency will be graciously pleased to take the premises into consideration, to the end that the said sheriff may be suspended from office, or in such other manner as in your Excellency's wisdom may seem fit.

And your Excellency's petitioners, as in duty bound, will ever pray.

County of Gaspé, 24 December 1831.

158 Signatures.

Correspondence
respecting
Mr. Thompson.

Sir,

Paspébiac, 28 February 1832.

I RECEIVED by yesterday's mail a letter from Mr. Secretary Craig, referring to his previous letter of the 30th January last, communicated to you in mine of the 20th instant, transmitting a copy of another petition subsequently received from several inhabitants of the county of Gaspé, complaining of your conduct as sheriff of this district, and praying for your suspension from office, requesting me to communicate the same to you, and acquaint him with the result, for his Lordship's information.

I therefore inclose the copy of the petition transmitted to me, satisfied that you will send me an answer thereto without delay.

I have, &c.

James Ferguson Winter, Esq., Sheriff,
District of Gaspé.

John G. Thompson.

Sir,

Paspébiac, 20 February 1832.

I YESTERDAY received a letter from Mr. Secretary Craig, dated 30th January last, enclosing a copy of a petition of several inhabitants of Percé, complaining of the state of the gaol at that place, and of your conduct as sheriff of the district of Gaspé, requesting me to transmit the same to you, and to call upon you, at the same time, for an answer within 14 days to the allegations contained in the said petition; failing to do which, his Lordship will consider that you have nothing to advance in refutation of those allegations, and will proceed to act accordingly.

I therefore enclose the said copy of a petition, and request you will send me your answer within the time prescribed, as his Lordship expects from me a report of the result of the present communication.

I have, &c.,

James Ferguson Winter, Esq., Sheriff,
District of Gaspé.

John G. Thompson, P. J.

Dear Sir,

10 March 1832.

THE letters which I communicated to you on the 20th and 28th February last, being official communications from his Excellency Lord Aylmer, ought to have been answered before this, but having been informed that your health has been anything but well for the last month, I have not yet answered them. I trust you will be able to do so before Thursday next, as I then must report upon them.

Yours truly,

J. G. Thompson.

Dear Sir,

Paspébiac, 11 March 1832.

YOUR note of yesterday is just handed me. My fresh attack of the epidemical disease, so current this winter in the district, has been the cause of my delay in answering yours of the 20th ultimo. I sent you a note informing you thereof the 4th; since that time (the receipt of yours) I do not think I have been more than one full day able to write; I am now better, and have got up regularly these two days, but being so weakly, and the answer to his Excellency, to be transmitted through you, requiring great attention, it will take me a little time. I began it Friday afternoon, and did very little, but rather more yesterday. You shall have it without any wilful delay.

I have, &c.,

Hon. John G. Thompson, Judge,
District Gaspé.

J. Ferguson Winter, Sheriff, District Gaspé.

Sir,

Paspébiac, 15 March 1832.

YOUR letter of the 20th and 28th ultimo I received on the following days, each covering a petition from Mr. John Le Boutillier, of Percé, with several signatures, alleging numerous complaints against me, as sheriff of the district of Gaspé.

For the cause of the delay in my answer, I beg leave to refer you to my notes of the 3th and 11th instant. Your note of the 10th instant to me, as well as your letter above-mentioned,

Correspondence
respecting
Mr. Thompson.

mentioned, show me that your orders from his Excellency for prompt answers are peremptory and limited as to time.

These petitions, though grounded upon falsehoods, and agitated by malice, deserve and require particular answers, only because they are communicated by his Excellency the Governor-in-chief's command.

The same cause which I assigned to you the 11th instant, my bad state of health, has to this time yet prevented me from giving such answers as will fully justify me, and satisfy his Excellency; therefore, as I find you are limited for time in your answers, lest you should incur any blame, I think it necessary, for the present, to give the following short answer, reserving to myself the right of answering more particularly within 15 days.

In answer to the petitions, dated Percé, county of Gaspé, 28th November 1831, and county of Gaspé, 24th December 1831, I have, for the present, merely to state that they are false, and that I altogether and entirely deny the allegations therein contained and alleged against me.

I am convinced that most of the allegations, though fundamentally false, will require explanation, such as the bad biscuit, &c. &c. I therefore reserve myself the right of giving his Excellency a more ample and satisfactory answer to the aforementioned petitions within a fortnight.

I have, &c.

J. Ferguson Winter, Sheriff, District Gaspé.

The Hon. John Gawler Thompson, Judge,
District Gaspé, Paspébiac.

Sir,

New Carlisle, 10 March 1832.

I HAVE the honour to acknowledge the receipt of your letter of the 30th January last, which reached me on the 19th ultimo, enclosing a copy of a petition of several inhabitants of Percé, representing the bad state in which the gaol at that place is kept, and complaining of the sheriff of this district, praying that he may be removed from office; also communicating his Excellency's commands that I should transmit the same to the sheriff, calling upon him, at the same time, to answer within 14 days to the allegations contained in the said petition; failing to do which, his Lordship would consider that he had nothing to advance in refutation of those allegations.

In compliance with his Lordship's request, I wrote to the sheriff upon the subject, and enclosed your certified copy of the petition; his answer, and the correspondence connected with it, I enclose for the information of his Lordship.

I have, &c.,

Lieut.-Colonel Craig, Civil Secretary,
&c. &c.

John G. Thompson.

(True copies.)

John G. Thompson.

(F.)

Sir,

Castle of St. Lewis, Quebec, 25 April 1829.

I HAD yesterday the honour to receive your letter of the 11th March, requesting to be allowed to visit your family at Quebec on the opening of the navigation, and also to adjust some private affairs, representing also that no inconvenience would result from your absence, as you proposed returning to your post on the 4th or 5th of June, and the courts do not commence before the beginning of July; and I am directed to acquaint you that, under those circumstances, his Excellency has no objection to your proceeding to Quebec, and I am to convey to you the necessary permission accordingly.

I have, &c.,

The Hon. Mr. Justice Thompson.

C. Yorke, Secretary.

Sir,
 HAVING submitted to his Excellency the Governor-in-chief your letter of the 3d instant, requesting leave of absence for three or four weeks in May next, I have the honour to acquaint you that his Lordship has been pleased to accede to your request.

Correspondence
 respecting
 Mr. Thompson.

The Hon. Mr. Justice Thompson.

I have, &c.,
H. Craig, Secretary.

Sir,
 HAVING submitted to his Excellency the Governor-in-chief your request for leave of absence for two or three weeks, to proceed to Quebec on private affairs, I have the honour to inform you that his Lordship has been pleased to accede to your request.

The Hon. Mr. Justice Thompson.

I have, &c.,
H. Craig, Secretary.

Sir,
 I HAVE not failed to lay your letter, of the 27th ultimo, before his Excellency the Governor-in-chief, and I have great pleasure in communicating to you that his Lordship has been pleased to accede to your request, and to grant you leave of absence for three weeks in the month of May next.

The Hon. Mr. Justice Thompson,
 New Carlisle.

I have, &c.,
H. Craig, Civil Secretary.

(True copies.)

John G. Thompson.

(F.)

EXTRACT from the *Quebec Gazette* of 16 April 1834.

"WE understand that orders have been given to make out the warrants for the payment to all the public officers of another quarter's salary."

(True copy.)

John G. Thompson.

(G.)

Tuesday, 4 October 1836.
 On the said Summary.

Petition.
 BENJAMIN HENRY LEMOINE, of the city of Quebec, esquire, merchant, aged 25 years, a witness produced and sworn, and to the facts stated in the said summary petition, saith: I sailed in the schooner *Agnes*, from Quebec to the West Indies, in the month of June 1834, and know the promoter, who sailed in the said schooner on the said voyage. He appeared on the ship's articles as mate of the said schooner, but he acted on the said voyage in every respect contrary to what deponent considers a mate ought to act, as he was mutinous, and threatened to thrash the captain. Deponent cannot recollect what the amount of wages was for which the promoter signed the ship's articles, but believes it was four pounds currency per month. The voyage of the said schooner from Quebec continued about 53 days. Deponent sold her cargo in St. Vincent, consisting of fish, flour and pork, and other articles. The schooner remained at St. Vincent 22 days, and, after having taken in a cargo of rum, proceeded for Quebec on the 5th of September, and after a lapse of about 30 days, the said schooner made the harbour of Malbay in distress, and was stranded there on or about the 18th of October 1834. During the whole of the said voyage the promoter was on board the said schooner. The promoter, during the said voyage, was not obedient to the lawful commands of the master of the said schooner, but continually disobeyed his orders, and was mutinous, and refused to keep a log on the voyage home, and was, in deponent's opinion, incapable of doing so from continual drunkenness.

In deponent's opinion the promoter is an habitual drunkard. After the said schooner had been stranded at Malbay, in the inferior district of Gaspé, the promoter worked at saving the wreck.

B. H. Lemoine.

Repeated and acknowledged before the Worshipful Henry Black, Esq., 7 October 1836.

Present, *W. Power*, Reg.

Same day, 4 October 1836, same Witness examined on cross interrogatories given in by Aylwin.

The witness was admonished as required, and answered,
 To the 1st Interrogatory.—I have seen the original of the protest now shown to me, and marked as defendant's exhibit No. 1. The same exhibit is, to the best of my knowledge, a true copy of the original, which I have seen.

Correspondence
respecting
Mr. Thompson.

To the 2d Interrogatory.—I have perused the said protest, and know the contents thereof to be true, and am satisfied that, from the advanced state of the season, there being upwards of a foot of snow on the ground at the time, and no possibility of saving either the cargo or vessel, the captain and crew had no other alternative left them than to proceed as mentioned in the protest.

To the 3d Interrogatory.—I am acquainted with the handwriting and signature of John Bessin, the promoter in this cause, and have often seen him write, and the letter now shown me and filed as the defendant's exhibit No. 2 in this cause, and subscribed with the promoter's name, is in the handwriting of the said John Bessin, the promoter, and the signature, "John Bessin," set and subscribed to the said letter, is also in the handwriting and the proper signature of the said John Bessin.

To the 4th Interrogatory.—I am acquainted with the signatures of Amasa Bebee and John Wilkie, prothonotary of the provincial court of the district of Gaspé, and know their signature; and the signature "Beebe and Wilkie, P.P.C.," set and subscribed to the defendant's exhibit No. 3, now shown me, and purporting to be office copies of proceedings in a cause wherein John Bessin was plaintiff, and John Taylor defendant, and Charles Verdon and Samuel Colas were tiers saisis, is the proper signature of the said Beebe and Wilkie, everywhere the same appears in the said office copies, and of the proper handwriting of the said Amasa Bebee and John Wilkie, as prothonotary of the said provincial court.

To the 5th Interrogatory.—The promoter, Bessin, was mutinous, he refusing to obey the orders of his captain; he threatened the lives of the passengers, and was for several days after leaving the West Indies in a state of beastly intoxication.

To the 6th Interrogatory.—The promoter left the vessel after she was stranded, and, in my opinion, perfectly satisfied, and at the time of the stranding of the vessel perfectly agreeing with the captain and crew in the necessity of the case, namely, in considering the vessel a total wreck, in so far that he requested of me a recommendation, as he intended immediately to proceed to Quebec, so as to procure himself a berth to proceed to Europe the same fall.

To the 7th Interrogatory.—The said schooner was wrecked about the 18th October 1834, in the harbour of Malbay; she has never been navigated since, but was floated off (on being lightened of her cargo) some time after she had been wrecked; she now lies, and has since the fall of 1834 lain at the head of the harbour of Malbay.

To the 8th Interrogatory.—The promoter, to my knowledge, has received in part his wages, but I cannot state the sum paid him. Further, the deponent saith not, and hath signed.

B. H. Lemoine.

Repeated and acknowledged before the Worshipful Henry Black, Esq., 7 October 1836.

Present, W. Power, Reg.

Certified that this and the five preceding pages contain a true copy of the original deposition of Benjamin Henry Lemoine, remaining in the registry of the Vice-Admiralty Court at Quebec, in a cause wherein John Bessin was the promoter against the schooner Agnes, John Taylor, master, defendant.

W. Power, Registrar.

Quebec, 2 Nov. 1836.

(H.)

To the Honourable the Knights, Citizens and Burgesses of *Lower Canada*, in Provincial Parliament assembled.

THE petition of the undersigned inhabitants of the counties of Bonaventure and Gaspé in the inferior district of Gaspé,

Humbly represents,

That several of your petitioners have, at the last election for the county of Bonaventure, supported Joseph François Deblois, esq., one of the members representing the said county in the present provincial parliament.

That your petitioners have learned with astonishment, that the said Joseph François Deblois, as well in his own name as in his capacity of representative of the people, and in the name of the inhabitants of the district of Gaspé in general, hath presented a petition to your honourable house, complaining in severe and unmeasured language of the conduct of the Honourable John Gawler Thompson, judge of the provincial court for the inferior district of Gaspé.

That several of your petitioners have been, and are at present, suitors in the provincial court, either as plaintiffs or defendants; and in justice to the said judge, they beg leave to state to your honourable house, that they have always had entire confidence in the decisions of the said Honourable John Gawler Thompson, whose integrity, uprightness and impartiality have never been questioned by your petitioners or the inhabitants of the district of Gaspé; and as a strong proof of the truth of this allegation, they beg leave most humbly to submit to your honourable house, that notwithstanding that the said Honourable John Gawler Thompson hath been judge of the provincial court for the said district of Gaspé for upwards of eight years, that more than 2,000 cases have been decided by the said honourable judge during

during that period, and, that though by the judicature bill of the said district an appeal lies from the said court to the Court of King's Bench for the district of Quebec, yet there has never been one single judgment rendered by the said honourable judge, reversed, although the said Joseph François Deblois has been a practitioner in the said court during the whole of the said period, and for seven years has been concerned in almost every contested suit.

That your petitioners, actuated solely by a sense of justice, reject with indignation that part of the petition of the said Joseph François Deblois which accuses in their name, and as the representative of the people, the said judge of natural imbecility; of insufficiency in point of intelligence, character and sagacity; of a want of decency and dignity in his conduct; of aversion for, and a general incapacity to execute his important duties; of neglect, ignorance and contempt for the laws of the country; of being partial, capricious, arbitrary and vindictive; of using his power as judge to satiate his passions, and rendering it an instrument of vengeance; of illegally refusing to act in his capacity of judge; of fettering and even stopping the course of justice; of granting unto those whose interests he wished to advance an unjust protection; of threatening several of His Majesty's subjects with his resentment; of interfering at the last general election, and of not holding several terms of the provincial court for the said district of Gaspé. Your petitioners, therefore, beg leave to assure your honourable house that all the foregoing complaints against the said Honourable John Gawler Thompson are unfounded, unjust, libellous, false and calumnious.

That the fact of this, the petition of men totally disinterested, is sufficient to convince your honourable house of the esteem in which the said Honourable John Gawler Thompson is held in the district of Gaspé, of the perfect confidence which the said inhabitants have in the said provincial court, and in the integrity, honour and legal attainments of the said provincial judge.

Wherefore your petitioners beg and entreat your honourable house not to decide upon the petition of the said Joseph François Deblois before a full and entire investigation of the matters of complaint therein contained, and trust that your honourable house will be pleased to examine not only such witnesses as may be produced by the said Joseph François Deblois in support of his petition, but also such other witnesses of integrity, respectability and impartiality as will be brought forward by your petitioners, so that ample justice may be rendered to all parties, and that your honourable house will not be accessory in depriving your petitioners and the loyal subjects of His Majesty in the district of Gaspé of the services of an individual whom they highly respect and esteem.

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

New Carlisle, 2 January 1836.

Farq M'Rae, sen., J. P., district Gaspé.
 William Carter, justice of the peace.
 M. Sheppard, sheriff, district Gaspé.
 John Donaldson, proprietor.
 Alexander Campbell, Kinmore mill.
 Robert K. Fitton, surgeon.
 Elias Le Bas, merchant.
 William Day.
 John Wilkie, P. P. C.
 A. Bebee, P. P. C.
 Fabien Allin, propriétaire.
 James Neilson, bailiff, P. C.
 William Mann, farmer.
 Patrick + Synnett, - proprietor.
 Daniel + Duguay - - -
 Neib + M'Kiannon - - -
 James Trevers - - -
 James Almend - - -
 Jean + Larocque, fils - - -
 David Smith, sen. - - -
 James Rooney, J. P. - - -
 Thomas Monarty - - -
 George Balleine.
 Elias Dela Perréle.
 Hypolite + Tuthano.
 Charlemagne + M'Gennis.
 George + Molloy, sen.
 Edouard + Chalifour.
 Luke Mulloy.
 George Mulloy, jun.
 James R. Cotton, surgeon.
 Tranquil Duguay.
 Messie + Bourget.
 John + Arbon.
 Joseph + Duguay.
 P. Tranquil.
 Lewis Clouquet.

François Dubois, sen.
 François Dubois, jun.
 Dennis M'Antey.
 Horrance M'Cartey.
 Florence M'Carthy, jun.
 Donal M'Carthy.
 Owen M'Cartey, jun.
 Jeremiah M'Carthy.
 Owen M'Cartey.
 Thomas Costallo.
 Florence O'Leary.
 Jean Dugay.
 Nicolas + Frélatte.
 Michael Dennehy.
 Abraham Treechay.
 Charles Bourget.
 Peter Mabe, jun., proprietor.
 James Darmott.
 Thommish Smith.
 Edward Mabe, proprietor.
 Richard Francis - - -
 Peter Mabe, sen. - - -
 Hugh Francis.
 John Buchley.
 Joseph Le Flam, proprietor.
 Samuel Oppin.
 Peter Vibert, proprietor.
 James + Henley - - -
 James + Erin.
 Thomas Tap, proprietor.
 John Henly.
 Henry B. Johnston, justice of the peace.
 Charles Verdon - - -
 William Baker.
 William Macoy, proprietor.
 Isaac Kennedy, jun. - - -
 Michael Kennedy - - -

Correspondence
 respecting
 Mr Thompson.

Correspondence respecting Mr. Thompson.	James Costalo	proprietor.	John M'Rae	proprietor.
	James Kennedy	—	John M'Rae	—
	Thomas Kennedy	—	George T. Thomson	—
	John Johnston	—	Michael Cumming	—
	Richard Gaul	—	George James Thomson	—
	Henry O'Hara	—	John Adams	—
	T. Johnston	—	Mathew O'Mara, preceptor.	—
	Henry Mann	—	Thomas Suddard	proprietor.
	Mathew Toley	—	Michael Dornan	—
	Henry Spruen	—	Elisher Pass	—
	Thomas Walsh	—	Josiah Cass, son of Andrew	—
	George M'Donald	—	Jos. Tuzo	—
	Nicolas M'Cabe	—	Frs. Paget	—
	Matthew Pouden	—	Julien + Arbon	—
	Thomas Walsh	—	Daniel Cass	—
	Charles Roomy.	—	Joseph + L'Ange Bollet	—
	Alexandre Chouinard.	—	Philip Pinet	—
	Charles Chouinard.	—	John Cronier, fils	—
	Charles Blanchet.	—	William Manion	—
	John Wafer.	—	Edward Smyth	—
	Ph. Bisson.	—	Hugh Mahan	—
	Jean Bap. Baudains.	—	Josiah Cass, sen.	—
	Pierre Setiver.	—	Charles Cass	—
	Joseph Noel.	—	Andrew Cass	—
	Alexy Blais.	—	Charles Paget	—
	Charles Metotte, fils.	—	William Harbour	—
	Raphel Dubé.	—	Thomas Miller	—
	Felix Baudains.	—	Robert Harbour	—
	Michel Baudains.	—	James Baker	—
	Philippe Lauglois.	—	William Baker	—
	Pierre Bari.	—	Robert Baker	—
	John Baudains.	—	Thomas Baker	—
	Patrick O'Connors.	—	James Ananett	—
	Richard Fanary.	—	Henry Steward	—
	George Leatty.	—	P. Fr. Ponydester, agent to	—
	Andrew + Ouettette.	—	Fr. Janvier & Co.	—
	Alexis Dan.	—	William Ascak	—
	Jacques Dan.	—	John Ascak	—
	Jean Hangin.	—	Nicolas Lenfesty	—
	Charles Prous.	—	Hilary Lenfesty	—
	Jean Nicles.	—	Abraham Lanfesty	—
	Prudent E. Blanc.	—	Pierre Le Masurier	—
	Pierre Le Moignan	—	Antoine Pasoy	—
	Paul Morneau.	—	Jean Le Mesurier	—
Philip Le Marquand.	—	Pierre Kasserie	—	
William Furguson.	—	Thomas Costlow	—	
Michael Kennis.	—	Anthony + Raille	—	
John Callighan.	—	Laurant + Fortier, postman.	—	
James Skennick.	—	Daniel + Murphy, proprietor.	—	
Joseph Metotte, fils.	—	Louis + Langlois, fisherman.	—	
John Hagan,	proprietor.	Gregoire Labbé	—	
John Ceau	—	Jacques Labbé, proprietor.	—	
Barnard Grave	—	Clavis + M'Gennis, fisherman.	—	
Mohu Secret	—	Louis + Roucy proprietor.	—	
William Hoyd	—	Hubert + Castillam	—	
Francis + Dovide	—	Charles + Terrian, fils, fisherman.	—	
Dasere + Dovide	—	Ol. Quirouet, teacher.	—	
John + Lambret	—	George Poirrier.	—	
Alexandier + Dovide	—	George Jenne, merchant.	—	
Bénjamin + Grenoa	—	Ed. de la Perrelle.	—	
Descata + Grenea.	—	Lazard Poirrier, mariner.	—	
John + Grenea.	—	William Whittom, farmer.	—	
Joseph + Grenea,	proprietor.	Andrew Carter +	proprietor.	
Joseph Grenea, sen.	—	Mote Pareso +	—	
Eubare Grenea	—	Mualewel + Brosur	—	
John + Sere	—	Baskean + Brosur	—	
Alexander M'Rae	—	Philip + Allard	—	
George Thomson	—	Faberr + Dugue	—	
James Thomson	—	Alexander Brotherton	—	
Thomas Thomson	—	Amie + Dugue	—	
Richard Ascah	—	John Bte Espelot	—	
George M'Rae	—	Robert Brotherton	—	
James M'Rae	—	Abner Brotherton	—	
Thomas M'Rae	—	George I'revost	—	
George Askew.	—	John Maritt.	—	

Joseph Macdonna	- proprietor.	Jacques Alien, farmer
Harvey Adams	—	Charles Man Dougea, fisherman
Charles Forest	—	John St. Croix - proprietor.
Pierre Mercure	—	John + Cotton
Felix Arbon	—	Daniel Buckley
William Sinclair	—	George Heath
James Delancy	—	William Harrant
William Peacock	—	Charles Querrien
William Keys	—	John Driscoll
John M'Eachran	—	Stephen Walsh
Gilbert M'Arthur	—	Charles Parron
James Gedis	—	John B ^{te} Fortin
Richard Place	—	Peter Alagele
David Ross	—	Francis Barliste
Henry Harly	—	Gregoire Parisse
Daniel Foger	—	Jasper Morris
Simon M'Lean	—	James Shanen
James Cassidy	—	John Dick.
Ch. Vardon	—	Barnard MacSweeney, proprietor.
Thomas Ellement, Sig ⁿ	—	James Caldwell
William Girard, fils Jean	—	James Chetlaster
William Hunt	—	Samuel Chatterton
Peter + Laflame	—	Joshua Bebee
John Heyden, jun.	—	J. Secor Bebee
John Heyden, sen.	—	Amasie Bebee
John Hotton	—	William Langler
John Murette.	—	Michael Dumillon
Themoty O'Herum.	—	John Cass
François Pittow.	—	Thomas Caldwell
John Girard, fils Wm. - proprietor.	—	Thomas Brock Munro
Charles + Tapp	—	George Munro, farmer.
Henry Durell	—	James Day, miller and proprietor.
Stanislas Roussey	—	William Munro - proprietor.
John Mitchell, farmer and fisherman.	—	William Scott
John Mitchell, jun., fisherman.	—	Thomas Scott
Baptiste Greanea, farmer & fisherman.	—	Matthew H. Scott
Peter Deresh	—	John Witham
Asent Longley, fisherman	—	Thomas Whittam
H. King Mitchell, farmer & fisherman.	—	John Chisholm, farmer.
Frolong Longley, fisherman.	—	James Chisholm
Francis Deresh	—	Peter Stewart.
Felix Longley	—	Charles Brown.
Trankell Longley	—	James Anderson.
Henry Deresh	—	John G. Fair.
Longe Longley	—	James Murchy.
Wm. M'Kenzie, farmer & fisherman.	—	Magnus Firth.
Thomas Dun, Lumber.	—	John Campbell.
Johnston Dun, sen., fisherman.	—	Donald M'Donald.
William Murray, farmer.	—	Donald M'Kenan.
Laurence D. Lyon, merchant.	—	Robert Hendry.
Morris Humphreys, farmer.	—	Dugald Cramford.
J. Burns Castrow, farmer & fisherman.	—	Frederick Burton.
John Edwards	—	Angus Carmichael.
Thomas Boiasto	—	Angus M'Kenzie.
James Gilles, shipwright.	—	Richard Peck.
Mitchel Solven, farmer & proprietor.	—	Robert Fair.
James Gordon, lumber proprietor.	—	Christopher Mullons.
Thomas Bickett	—	Samuel Allison.
Josheps Degisey	—	John Esson.
Murdoch M'Kenzie	—	Alexander Fraser.
James Wyller	—	Archibald Graham.
Edward Milligan	—	Daniel Fullarton.
Andrew Rushey, farmer & fisherman.	—	Francius Belanger.
Lorons Longley	—	Marcel Burton.
John Longley	—	Archibald Kerr.
Jean B ^{te} Simard	—	Thomas Kiridar.
Alexander Ahier	—	William Burton.
Joseph Dougea	—	Jouchay Woodman.
Michel Parise, fils	—	Ralph Pritchard.
Alexander Dougea	—	Abel Campbell.
Peter Pumnea	—	Peter Galbraith.
Julia Dougea	—	John Johnston.
Philip Chadore	—	Thomas Wellett.
Philip Ollesadir, farmer	—	John Wellett.
		William Wellett.

Correspondence
respecting
Mr. Thompson.

Correspondence
respecting
Mr. Thompson.

William Wellett, jun.
 James Willett.
 George Duthie.
 Robert Caldwell, justice of the peace.
 Joseph Meagher, J. P. and captain militia.
 Hippolite Landry, major.
 J. F. Landry, juge à paix.
 Robert Sherar, coroner of Gaspé.
 Laurent + Bourdages, propriétaire.
 Thomas Caldwell, proprietor.
 John M^cDougald, merchant.
 James Robert Sherar, proprietor.
 Gilbert M^cWherton —
 Pierre Landry, lieutenant milice.
 Jean Gaurreau, propriétaire.
 William M^cClellen.
 William Kerr.
 Charles Powell.
 Patrick Power.
 François Boutin.
 Nathaniel Johnston.
 James Johnston.
 Thomas Pickan.
 William Harvey.
 George Willett.
 John Gillker.
 Benjamin Willett.
 William Duthie.
 Samuel Duthie.
 Hugh Caldwell, mariner.
 S. Talbot, propriétaire.
 Samuel Christy, proprietor.
 François Allard, propriétaire.
 James Martin, proprietor.
 Barnabas M^cGee, P. P. C.
 Daniel Carney - proprietor.
 David M^cKay —
 Alexandre M^cClallan —
 John M^cClellan —
 William + Garrett —
 John Garrett —
 Benjamin Thornthwaite —
 Alexander + Noveau —
 Robert Flaherty —
 Timothy Driscoll.
 Pierre + Huet.
 Julien + M^cGennis.
 Alexandre Maganue.
 Thomas + Hare.
 John Benningham.
 Edouard Frachy.
 Ambroise Leque.
 Etienne + Dorion.
 Thomas Keting.
 Anthony + Querrien.
 Anthony + Patra.
 Joseph Beaker dit Blondin.
 Fabien Beeker dit Blondin.
 Charles + Simonneau.
 Frederick + M^cGennis.
 Patrick Carroll.
 Richard Knox.
 Cornelius Scanlan.
 Joseph Metote.
 John B^{ie} Fortin.
 George Matthew.
 William Power.
 Jean Baptiste + Chubotte.
 Theodore Cots.
 Pierre Querrien.
 Edouard Le Sare.
 John Doig.
 Thomas Gormond.
 Lawrence Lamb.
 Charles + M^cSweeny.
 Thomas + Eliment.
 Jean Carré, propriétaire.
 Jn. Malzard.
 Elias Le Roue.
 James + St. Croix.
 Peter + Le Clare.
 Charles Le Flam.
 William + Ellement, seq. proprietor.
 William + Ellement, jr.
 Abel Lucas - proprietor.
 William Girard —
 Nicolas Girard —
 Thomas Telement, jr. —
 John Hunt.
 Peter Duga, proprietor.
 John Landreth, carpenter.
 Clement Holmes, proprietor.
 Mickle + Buckley.
 William + Momett, proprietor.
 John Brenon.
 Peter + La Mare.
 John Byers, proprietor.
 Vital Fournier.
 William Donoghue.
 Patrick Handerhan.
 Mitchell Buckley, proprietor.
 Peter + Chequire.
 Peter Miller.
 John Syborn.
 Jean Hacquil.
 John + Gerard, jun.
 John B. + Cotton.
 John Le Blaney.
 Thomas Lucas, proprietor.
 Edouard D. Carré.
 William Gauvin.
 Isaac Man - proprietor.
 Edward Dugas —
 George Campbell —
 James Lamb —
 Robert Byers —
 Larence Carne —
 John Vibert, merchant.
 John Dea, house carpenter and farmer.
 Michael Enright, farmer.
 John M^cClellan.
 Robert Pritchard.
 William Forsyth.
 Peter Sire, fils.
 Simon Brown.
 David Coughlin.
 Joseph + Labbé.
 Nicolas + Burget.
 Edouard Pepre.
 Alexis + Boulet.
 Pierre + Cromer.
 Samuel Ray, H. P. C.
 Jacke + Cronea, proprietor.
 Francis + Grenea —
 Edward Bla —
 Joseph Trambla —
 Francis Sere —
 Edward Glasur. —
 Henry M^cGoelen —
 Charles Lantan —
 Joseph Blay —
 Peter + Seere —
 Charles + Seere —
 Lafranc David —
 Alexander Deresh, farmer.
 Patrick Maher.
 Alexander Campbell, jun.

Nicholas Renouf.
 James Cone.
 Matthew Ryan.
 Joseph x Arbon.
 Jeremiaah O'Shea.
 Luc Savard.
 Jean x Cronier.
 Felix x Dunn.
 Jean Allard.
 Francis David, proprietor.
 Rufaro x Geanard.
 Peter Seer, jun. - proprietor.
 Joseph x Cronea —
 James Smith —
 William Weste —
 John De Gereca —
 Samuel Collas —
 James Walsh —
 Edward x Mulroney, carpenter.
 Thomas x Hallon - proprietor.
 Jacob Se Packwood —
 John Packwood —
 Ph. Renouf.
 Alexandre Le Merar.
 Neil M'Kenzie.
 Henry Ingrouville.
 J. Legrand.
 Thomas Pickned, proprietor.
 Michel Paget —
 Michel Hogan —
 Henry Baker —
 Daniel Baker —
 Jean Richard —
 Silvester x Collin —
 Jean Rovit —
 Joseph Fournier —
 Francois Ahier.
 James Smith.
 Daniel Ingrouville, proprietor.
 George Lucas —
 Pierre Roussel.
 Samuel Ferlong —
 Joseph Baker —
 Joseph Cass, justice of the peace.
 William Tully, teacher.
 Alexander Tilly, proprietor.
 Joseph Cass —
 John Seymour —
 Francois x Vallet —
 Pierre Choinard —
 Charles La Meusera —
 John Bichard —
 Pierre Duepiemen.
 Jean Lemessurier —
 Hher Lemessurier —
 James Brehaut.
 Thomas Lemessurier —
 William Simon —
 Pierre Simon —
 William John Withall, bailiff.
 Nicolas Lemessurier, proprietor.
 Jean Lemessurier.
 Abiro St. Croix, proprietor.
 Joseph Oconeur.
 Peter Coners, proprietor.
 Nicholas Oconer.
 Francis Ahier, J. P. proprietor.
 Ubard Dunn —
 John M'Crae —
 Daniel Scoot —
 Franc Le Feuvre, carpenter.
 Lucien Huard - fisherman.
 Louis x Huard, fils, —
 William Skene, farmer.
 Charles Canivet, blacksmith.

Theophile Dugay - proprietor.
 Fabien Dugay, fils. —
 Fadde Herbert, fisherman.
 George Vibert, blacksmith.
 Thomas Prevost —
 James Hunt, lumberer.
 Duncan Robertson - farmer.
 James Campbell —
 Edward x Le Blanc —
 Pierre x Baris - - proprietor.
 Fabien x Allard —
 Henry Hardy —
 William Asseles —
 Daniel Cox —
 Malcolm M'Neil —
 William Ferguson —
 Michael Cassidy —
 John M'Cormick x —
 Joseph Aumluls —
 Thomas x Sculy —
 Philip x Nilles —
 Neil x M'Leod —
 Michael x Tetchcherald —
 Duncan x M'Innis —
 Isie x Jonston —
 Donald M'Tavish —
 William Hetherington.
 Patrick Cose —
 James Duhu —
 Terance O'Brien —
 John M'Lellan —
 Patrick Murphy —
 James M'Neil —
 David Ross —
 Laughlan M'Donald —
 Richard Plaw —
 Martin Cameron —
 Stephen King —
 Roderick M'Neil —
 James M'Neil —
 Robert Welsh —
 Peter Rankin —
 John Phillan —
 Joel Johnstone —
 Martin Bujal —
 John Fauvel, agent Charles Robin &
 Co.
 Charles Poirier, fils Ch^s proprietor.
 Joseph x Babin —
 Pierre x Desreches dit Bellau —
 Philippe x Angelar, fils —
 Elie x Angelar —
 John Gallu —
 Andrien x Darosvile —
 Jean x Dugay —
 Francois Houget —
 Francois x Huard, fils —
 Edouard Hardeley —
 John Day —
 Philip Le Gallais —
 Elie De la Perrelle —
 Philip Duval —
 James Scott —
 John Alexander Scott —
 Cyrle Lepage —
 Charles Bugot, fils —
 Pierre Hubert —
 Semons Louesel —
 Robert Louesel —
 Leus Narde —
 Hugh Narde —
 Jelbore Narde —
 Francois Langlais, Sergans de Millice.
 Pierre Bourgaize - proprietor.
 John + Hort —

Correspondence
 respecting
 Mr. Thompson.

Correspondence
respecting
Mr. Thompson.

Serafan Brosure - proprietor.	John Cochran - lumber.
Leus x Dene —	William M'Colm —
Curbon Due —	May Cochran —
Luses Due, jun. —	Peter Lynd, proprietor.
Isech Dene —	Azariah Pritchard, Capt. B. Militia.
Mechil Dene —	An. Bogoupp, Enseigne Milice et propriétaire.
Joseph x Duga —	Hugh Robertson - proprietor.
Fredrick x Drosbe —	John Campbell —
Francis Duga —	John M'Colm —
Adam Brotherton —	Archibald M'Kay —
Polin x Ruce —	Charles Mowett —
Rene Parese —	Charles Major —
Thomas Byers —	William Le Poidevin —
Meshel Parese —	James Langlois —
Nicless x La Brosur —	Daniel Ross —
Uhure x Parese —	Hector Ross —
Philip x Anglebert —	Pierre Leon Kassy + —
Joseph x Nard —	John Alexander Smith —
John x Grene —	William Powers —
John Esplot —	Joseph Thompson —
Charley Dougea, jun., fisherman and proprietor.	Philippe Moureint —
Peter Huart, jun., fisherman and pro- prietor.	Walter Ross —
Patrick Herington, farmer & proprietor.	Archibald C. M'Arthur, schoolmaster.
Philip Ahier —	Farqur Porrs, proprietor
John Englart, fisherman & proprietor.	James Greena, fisherman.
Isiah Dougea —	John Ross - - farmer.
Alexander Huart —	William Ross —
Mercue Huart —	Michael M'Gevir - proprietor.
Austion Masue —	Amassie Chatterton —
Peter Losel, farmer and fisherman, pro- prietor.	Andrew Huntington —
Peter Deresh, fisherman and proprietor.	Asa Chatterton —
Philip Longley —	Samuel Chatterton —
Joseph Longley —	James Huntington —
Peter Longley —	William Huntington —
John B. Longley, farmer and fisherman, proprietor.	John Travers —
Remue Longley, fisherman & proprietor.	James Wright —
Mosis Longley —	Alexander Brotherton, C. P. M.
Peter Longley, jr. —	André Loisel - proprietor.
Charles Blay —	André Loisel —
Peter Lambert, house-joiner and pro- prietor.	William Scott - merchant.
Johnson Dun, fisherman and proprietor.	Joseph Nelson Verge —
Charles M'Gloud - proprietor.	Elzion Le Blanc - proprietor.
James Beek —	Thomas H. Verge —
Hugh Baker —	Ferd. B. Jaead —
Anlan Faran —	André Dugas - Captain Militia.
John Batist Poket —	Duncan M'Kae - Lieut. —
Iseke Calan —	William M'Kae - Ensign —
Jean Baptiste Colin —	John M'Rae - proprietor.
Henri Colin —	Farquhar M'Rae —
Charles Colin —	Alexander M'Rae —
Gull Collin —	Edward Power, Serjeant Militia.
Thomas Calan —	William Phelan - proprietor.
Peter Lagugangan —	George Robinson —
Eeoge Lukes —	John Madigan x —
John Miteel —	Thomas Madigan x —
François Mitchell —	William Harper —
John Linchart —	William Sulvan —
Peter Sweney —	Thomas Allen —
M. Caldwell —	W. Samuel Allen —
Henry Hadley —	Thomas Rafter —
Francis x Bourdages —	Pierre Gigneac x —
Frederick Arsenaux —	James Smith —
Joseph x Poirrier —	David Smith —
Charlemagne Arbore —	John V. Dunny, schoolmaster.
Paschal Glasur —	James Almond - proprietor.
Oliver x Bordash —	John Almond —
Hugh M'Cready —	John M'Ginnis —
John M'Wherter —	Jane Russy —
John x Parraut —	Julien Russy —
	Julien Curtois —
	Benjamin Young —
	Joseph Young —
	John Yong —

Certified to be a true copy of petition and signatures thereunto attached.

Wm. B. Lindsay, Clk. Ass. 3

Correspondence
respecting
Mr. Thompson.

(L.)

To the Hon. *John Gawler Thompson*, Judge for the Inferior District of Gaspé, in the Province of *Lower Canada*.

The petition of the undersigned justices of the peace in and for the district of Gaspé aforesaid,

Very respectfully sheweth,

THAT for some time past no sessions of the peace have been held in this place for the due administration of justice and despatch of public business, in consequence of which divers depredations and violations of the laws have been perpetrated with impunity.

That your Honour's petitioners have from time to time taken cognizance of divers complaints and informations, and have proceeded in binding the aggressors under recognizance to good behaviour, &c., and to appear for the final adjustment of such complaints, but that the want of a sufficient number of justices to form a quorum entirely preclude your Honour's petitioners from discharging the duties incumbent upon them, which greatly tend to the preservation of our lives and property.

That the inconveniences alluded to are greatly detrimental to the prosecution of public justice, and the maintenance of good order, and can only be obviated by the holding of the general sessions of the peace conformable to the Act providing for the same, and that without the co-operation and assistance of your Honour at the next ensuing sessions of the peace, to be holden at New Carlisle for the district of Gaspé aforesaid, your Honour's petitioners greatly fear that the most respectable and peaceable portion of the community will continue to be exposed as heretofore.

Your petitioners therefore humbly pray that your Honour will be graciously pleased to co-operate with us in order to remedy the impending evils.

And your Honour's petitioners, as in duty bound, wil' ever pray.

Farquhar M^rRae, J. P.
William Carter, J. P.

Hope Town,
28 December 1831.

Paspébiac, Sheriff's-office, 9 July 1832.

Sir,
LAST January the Hon. Mr. Justice Thompson, provincial judge for the inferior district of Gaspé, sat and presided at the court of quarter sessions or general sessions of the peace, held at New Carlisle.

As I humbly conceive that the almost innumerable and glaring incompetencies of the provincial judge to sit or preside at the sessions of the peace in this district, are so obvious, being diametrically opposed to the constitution and laws of the land, therefore not to be warranted on any pretence, had I not then been confined to my bed through severe illness, and obliged to attend at the sessions by deputy, I would have objected to the competency of the court, and refused to make my return of jurors.

This to me would have been a most disagreeable alternative, though a compulsory duty, as I cannot, nor dare not, knowingly do nor participate in an illegal act.

To avoid the disagreeable position in which I shall find myself, in case of a recurrence, I humbly crave his Excellency the Governor-in-chief's instructions and interference.

I have, &c.

J. Ferguson Winter, Sheriff Dist. Gaspé.

Lieut.-Col. Craig,
Civil Secretary, Quebec.

Castle St. Lewis, Quebec, 17 August 1832.

Sir,
I AM directed by his Excellency the Governor-in-chief to transmit to you the enclosed letter, dated Paspébiac, 9 July 1832, from F. Winter, Esq., sheriff of the inferior district of Gaspé, relative to your having sat and presided at the court of quarter sessions of the peace held at New Carlisle in January last, and I am to request you will be pleased to communicate to me, for his Lordship's information, such observations as you may have to offer on the subject of that representation.

I have, &c.

H. Craig, Secretary.

The Hon.
Mr. Justice Thompson.

Paspébiac, 14 September 1832.

Sir,
IN acknowledging the receipt of your letter of the 17th ultimo, inclosing one from the sheriff of this district, relative to my having sat and presided at the court of general quarter sessions, held at New Carlisle in January last, requesting me to communicate such observations as I may have to offer upon the subject for his Excellency's information. In conformity with his Lordship's commands, I have to state that I did preside at that court, no session having been held for upwards of a year for want of a quorum, Mr. M^rRae and Mr. Carter being then the only qualified magistrates residing in this district between Point Peter in the Gulf of St. Lawrence and the river Restigouche, at the western extremity of the Baie-des-Chaleurs.

Correspondence
respecting
Mr. Thompson.

The unprotected state of the peaceable portion of the inhabitants induced those gentlemen to petition me, as the chief magistrate of the district, to assist them on that occasion. I complied with their request, and would have continued to preside in that court, had not the arrival of a new commission of the peace relieved me from that additional duty.

The incompatibility complained of is imaginary. The judge of the district of St. Francis, with a similar jurisdiction to this, presided and still presides, I believe, at the sessions there. In opposition to the gratuitous legal opinion of the sheriff of this district, I shall offer that of the legislature of this province, who, by the stat. 5 Geo. 4, c. 22, s. 1, not only admitted the compatibility, but also allowed the sum of 90 *l.* sterling to the provincial judge, for his travelling expenses in holding the sessions that year. The jurisdiction has not been altered since that period.

I inclose herewith the letter communicated and the petition referred to.

I have, &c.

Lieutenant-colonel Craig,
Civil Secretary, &c. &c., Quebec.

John G. Thompson,
Provincial Judge, Gaspé.

To the Honourable *John Gawler Thompson*, Judge of His Majesty's Provincial Court in and for the Inferior District of *Gaspé*.

The Petition of *Farquhar McRae* and *Robert Caldwell*, Esquires, two of His Majesty's Justices of the Peace in and for the said district,

Humbly sheweth,

THAT divers complaints and informations have been taken and received by His Majesty's justices of the peace, which it is necessary and expedient for the conservation of the public peace and for the general interest of the public at large, to lay before the next general session of the peace, to be holden in *New Carlisle* to-morrow.

That owing to the absence, at this time, of the two other justices resident in this part of this county of *Bonaventure*, it will become impossible for your petitioners, without the intervention of your Honour, to hold the next general session of the peace for the want of a quorum.

That should the next general session of the peace not be holden as by law established, many offenders will escape the correcting hand of justice, and an inducement held out for the commission of crime by an almost certain assurance of escaping punishment.

Your petitioners therefore humbly pray that your Honour will take the premises and state of the country into your serious consideration, and that moved by motives so forcible, and the public interest, your Honour will preside at the next general session of the peace, to be holden at *New Carlisle* to-morrow.

And your petitioners, as in duty bound, shall ever pray.

New Carlisle, 10 January 1833.

Farquhar McRae, J. P.
Robert Caldwell, J. P.

To the Honourable *John Gawler Thompson*, Judge of His Majesty's Provincial Court in and for the District of *Gaspé*.

The Petition of *Robert Caldwell* and *William Carter*, Esquires, two of His Majesty's Justices of the Peace for the said district,

Humbly represents,

THAT your petitioners being apprehensive that a quorum of magistrates will not be found to preside at the next general session of the peace, to be holden in *New Carlisle* in the said district, from the 11th to the 16th day of January instant, inclusively, by which the public interests and sundry important affairs would be retarded and neglected, beg leave respectfully to solicit your Honour to complete such quorum, and to preside at the next general session of the peace, to be holden in *New Carlisle* for the furtherance of the ends of justice and the promotion of the general interests of the country at large.

And your petitioners, as in duty bound, shall ever pray.

District of *Gaspé*,
New Carlisle, 8 January 1834.

William Carter, J. P.
Robert Caldwell, J. P.

Province du Bas Canada, District de *Gaspé*.

A l'Honorable Juge de la Cour Provinciale du District de *Gaspé*.

La Requête des soussignés habitans du township de *Carleton*, dans le comté de *Bonaventure*,

Expose humblement,

Que depuis plusieurs années il n'y a pas eu de session générale de la paix, dans cette partie du district, faute de magistrats.

Qu'il

Qu'il devient nécessaire pour l'avantage du public qu'une session de la paix aurait lieu cette année à Carleton, en conséquence vos supplians vous prient humblement de vouloir bien seiger à la session qui se présente.

Et ils ne cesseront jamais de prier.

H. Michaud, J. P.
Nicolas Landry.
J. G. Le Bel, N. P.

Joseph Meagher, C. M.
Ch. M. Labelton, C. M.

Carleton, 10 Juillet 1834.

Correspondence
respecting
Mr. Thompson.

Province du Bas Canada, District de Gaspé.

A l'Honorable Juge de la Cour Provinciale du District de Gaspé.

La Requête de Hugh Aitkin et Hilary Michaud, Ecuiers, Juges à Paix pour le District susdit,

Expose humblement,

Qu'après avoir pris connaissance des affaires qui vont paraître devant eux dans le cours de cette session, les mettent dans l'absolue nécessité de requerrir votre honneur à prendre le siège avec eux.

C'est pourquoi vos petitionnaires, plein de confiance en votre justice, osent se flatter que leur présente requête recevra votre assentement pour l'avantage du public, et ferez justice.

Hugh Aitken.
H. Michaud.

Carleton, 11 Juillet 1834.

(True Copies.)

John G. Thompson.

— No. 2. —

COPY of a LETTER from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 24 January 1837.

I HAVE had the honour to receive your despatch of the 6th December, enclosing copies of certain proceedings which had taken place in the House of Assembly of Lower Canada, in an inquiry instituted by that House into the conduct of Mr. J. G. Thompson, judge of the provincial court of the inferior district of Gaspé, together with a copy of Mr. Thompson's answer to the charges brought against him.

No. 2.

I approve of your Lordship's refusal to suspend Mr. Thompson from his office pending the inquiry, and also of your having afforded to that gentleman an ample opportunity of meeting the accusations brought against him before transmitting them for the consideration of His Majesty's Government.

As those accusations refer in great measure to Mr. Thompson's conduct in his judicial capacity, I have felt it my duty humbly to advise His Majesty to submit them to the consideration of the judicial committee of his Privy Council. That committee will no doubt admit both the accusers and the accused to a hearing at their bar, and you will accordingly refer the Assembly of Lower Canada to that body as the tribunal most qualified to investigate charges preferred against a judge in one of His Majesty's colonies.

But although I have not thought myself at liberty to adopt any decision on the accusations brought against Mr. Thompson, I feel it to be my duty to notice the manner in which the investigation has been conducted. It is stated that on the committee of the Assembly appointed for that purpose, Mr. Deblois, the petitioner against Mr. Thompson, had a seat, and it does not appear that any notice was given to Mr. Thompson of the proceedings against him; or that he had the opportunity of producing any witnesses in his behalf, or of cross-examining those who were called in support of the allegations of the petitioner. When I observe the very strong testimonies on oath, afterwards adduced by Mr. Thompson to your Lordship in defence of his character and in refutation of the charges brought against him, I cannot but greatly regret that he had not an opportunity of making his defence before the committee of the Assembly; nor in the absence of that evidence, can I admit that the case was fully investigated by the committee, or that much weight can be attached to the conclusion stated in their report. I do not assume to myself the right of determining what their decision might have been, had Mr. Thompson's defence been before them, as well as the evidence in support of the accusations against him, but it appears to me obviously contrary

Correspondence
respecting
Mr. Thompson.

to the first principles of justice to subject an accused party to the penalty which his offence, if satisfactorily proved, would merit, without affording him the fullest opportunity of proving his innocence. After an attentive consideration of the case, as it has been submitted to me, I do not feel myself justified in suspending Mr. Thompson from the exercise of his judicial functions, until a competent court shall have decided on the merits of the case after weighing the evidence which may be adduced on oath, both in support and in refutation of the charges preferred against him.

I have, &c.

(signed) *Glenelg.*

— No. 3. —

COPY of a LETTER from Lord *Glenelg* to the Lord President of His Majesty's Privy Council.

My Lord,

Downing-street, 27 January 1837.

No. 3.

I HAVE the honour to transmit to your Lordship herewith the copy of a despatch from the Earl of Gosford, enclosing a report of a committee of the Assembly of Lower Canada, imputing gross misconduct to Mr. J. G. Thompson, the judge of the provincial court of the inferior district of Gaspé. In consequence of this report the House of Assembly have addressed the Earl of Gosford, praying for the removal of Mr. Thompson from his judicial situation; a prayer with which, for the reasons stated in his despatch, his Lordship has declined to comply.

I have to request that your Lordship would move His Majesty in Council to refer these documents to the judicial committee of the Privy Council, in order that their Lordships may adopt the necessary measures for investigating and deciding the question in debate, and may report to His Majesty in Council their opinion as to the measures which it may be proper for His Majesty to adopt on this occasion.

I have, &c.

(signed) *Glenelg.*

COPIES of a REPORT of the Select Committee of the House of Assembly of Lower Canada, respecting Mr. *Whitcher*, Sheriff of St. Francis, and of a Correspondence between the Earl of Gosford and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Whitcher*.

— No. 1. —

No. 1.

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

Castle of St. Lewis, Quebec,

9th September 1836.

My Lord,

I HAVE the honor herewith to transmit, for your information and for the signification of His Majesty's pleasure, the case of Mr. *Whitcher*, sheriff of the district of St. Francis, contained in the accompanying documents, seven in number.

Enclosure No. 1. is the copy of a petition, signed by 100 inhabitants of the district of St. Francis, which in January last [was presented to the House of Assembly against the sheriff, complaining,—first, of the manner in which he had selected jurors, those residing in the more remote parts being summoned more frequently than those residing near the courts, and this for the purpose of augmenting his emoluments; secondly, of his conduct in requiring his bailiffs to pay him a part of their fees; thirdly, of his partiality and injustice in the performance of the duties of his office, particularly in the case of one Fanny Haskell; and, fourthly, demanding an investigation into his contingent account, and into the manner in which prisoners in the gaol are supplied with provisions.

This

This petition was referred to a special committee, and their report thereon was concurred in by the House, who, on the 3d March last, resolved that Mr. Whitcher had not, since his appointment, kept an open office, wherein he had regularly attended for the discharge of his duty as sheriff; and that he had availed himself of his official power designedly, illegally and corruptly to extort from his bailiffs sums of money allowed and belonging to them, to the prejudice of the administration of justice and of the rights and interests of His Majesty's subjects in this province: and they presented to me an address founded on these resolutions and the report of the committee, praying that I would take immediate steps to remove Mr. Whitcher from his office of sheriff, and from all other offices of honor or profit which he may hold under the Crown. To this address I answered as in the instances of the other officers accused by the House, that as soon as I should have heard what Mr. Whitcher had to say in his defence, I would adopt such measures as the case might demand. I lost no time in calling upon the sheriff for his vindication, which he has recently sent in, and a copy of which I have now the honour to enclose.

Mr. Whitcher, who was not present during the investigation into his conduct by the special committee, to whom the petition mentioned in the former part of this despatch was referred, states, in his defence, that out of 11 barristers resident in the district of St. Francis, two only were examined before the committee, and he remarks that their testimony, according to their own confession, is on most points founded on common report, and not on personal knowledge; but without commenting on the evidence taken by the committee, which is impugned by Mr. Whitcher in his defence, and the several documents (11 in number) appended to it, I may shortly state that the excuse offered by that gentleman for not having regularly kept an open office is, that it is impossible for any one to sit for any length of time in the building assigned for that purpose, owing to its dilapidated condition; and further, that there does not exist, from the small quantity of business transacted, that necessity for keeping an office constantly open as in the other districts of the province. These allegations are supported by the presentment of the grand jury for the district of St. Francis, made in October last, by certificates from the keeper of the court house at Sherbrooke, from a Mr. Seaton, who has acted as clerk to the late and present prothonotary of the district, and from Mr. Bell, the present prothonotary himself, to which I may add, as relates to the present condition of the building in which the sheriff's office is situated, a memorial that I have within the last few days received from three of the judges, who report "the absolute want of accommodation and shelter, as well for the court and its officers and suitors as for the keeper and his family." To show that no practical inconvenience to the public has arisen from the omission to keep an office constantly open during stated hours, Mr. Whitcher transmits for my information certificates to that effect from four bailiffs, and from eight out of the eleven barristers who practise in the district, and through whose medium legal process is on all occasions sued out.

To the charge preferred by the committee, that he has been in the habit of receiving for his own use a third of his bailiffs' fees, and that he refused to employ them unless they agreed to that deduction, Mr. Whitcher admits, that for some time after his appointment he made an arrangement of this description with his bailiffs, believing the practice to exist in other districts and to be legal, and taking upon himself all responsibility on account of their acts, but he adds, that a suggestion having been thrown out by the Court of King's Bench for the district, about three years ago, that the practice was liable to misconstruction, he not only discontinued it, but desired his bailiffs to charge him with all the sums that he had formerly deducted from their fees, and has settled with them under this arrangement. In proof of the discontinuance of the practice he produces affidavits from eleven of his bailiffs, but without stating whether those are all that he employs, or what proportion that bears to the whole number.

To the accusation of having dismissed a bailiff for refusing to accede to a deduction of his fees, Mr. Whitcher offers a positive denial, and states that the dismissal took place on account of misconduct in the individual; and in support of this he refers to an affidavit (marked No. 5, in his defence) of another bailiff, a Mr. Mallory, who was one of the witnesses examined before the special committee.

Enclosure No. 2.
26 February 1836.
See Enclosure
No. 3.

Enclosure No. 3.

Enclosure No. 4.

Enclosure No. 5.

Enclosure No. 5.
13th August 1836.

Eleven.
No. 3 not received.

Enclosure No. 6.

Correspondence
respecting
Mr. Whitcher.

In contradiction of the charge of the committee, of having employed a young man under age to serve summonses and sheriff's process, an affidavit is produced of the person alluded to in the report of the committee, a Mr. Hiram Moe, who swears that in answer to questions put to him by the committee, he several times stated that at the time of his summoning jurors for the sheriff, he was of age. This statement does not, however, appear in the printed copy of the evidence attached to the report.

Mr. Whitcher concludes his defence with a complaint that portions only of the evidence given by him before "a committee appointed to inquire concerning the fees and emoluments received by the several officers of the courts of justice in this province," was printed in the report of that committee; and he enters into explanations to show that in giving such evidence he has not been guilty of false statements and wilful misrepresentation of facts, as charged against him in the report (Enclosure No. 2,) of the committee appointed to investigate his public conduct, and he has appended to his defence a testimonial signed by 211 inhabitants of the district, of whom many, he states, are large proprietors, magistrates and persons whose pursuits and wealth bring them into official contact with him, certifying that they are perfectly satisfied with the manner in which the duties of his office are discharged.

Seeing no reason for departing in the present instance from the course I thought it advisable to adopt with respect to the other public officers who have been laid under accusation by the Assembly, I have informed Mr. Whitcher that his case would be transmitted to England for the decision of His Majesty.

I have the honour to be, &c.
(signed) Gosford.

Enclosure No. 7.

(No. 1.)

To the Honourable the House of Assembly for the province of Lower Canada, in Parliament assembled.

THE petition of the undersigned inhabitants of the district of St. Francis, humbly represents, that for a long time past complaints have existed against Charles Whitcher, Esq., sheriff of the district of St. Francis, for conduct in his capacity of said sheriff.

Your petitioners cannot be expected to be acquainted generally with the proceedings of said sheriff, but would particularly mention, as in their opinion deserving an investigation by your Honourable House: 1st, The manner in which jurors have been selected by the said sheriff, your petitioners consider as cause of complaint, the people in the more remote parts of the district having been called upon to serve as jurors more frequently than those residing near the court, for the purpose, as your petitioners believe, of increasing his fees: 2d, His conduct in requiring the bailiffs to pay him a part of their fees: 3d, His partiality and injustice in the performance of the duties of his office, particularly as exhibited towards widow Fanny Haskell, defendant, in a suit in the Court of King's Bench, No. 185, in 1834 or 1835: And, 4th, Your petitioners believe that the manner in which prisoners in gaol are supplied with provisions, and the contingent accounts of said sheriff, require investigation by your Honourable House.

Your petitioners earnestly solicit the attention of your Honourable House to the subject of their complaints.

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

District St. Francis, 1 January 1836.

" signed "	Dudley Davis, Captain M.	Benjamin F. Hubbard.
	Silas Mack,	D. H. Maltz,
	Thomas Ractor,	Levi Spalding,
	Willard Killy,	Stephen Foster,
	Benjamin Wymern,	Otis Warren,
	Joseph Smith.	

Here follow 80 other signatures.

(No. 2.)

REPORT.

THE Special Committee, to whom was referred the petition of divers inhabitants of the district of Saint Francis, complaining of Charles Whitcher, Esquire, sheriff of the said district, have agreed to the following Report:—

Your committee have carefully inquired into the complaints set forth in the said petition, and the order of reference from your Honourable House; and to establish how far the said complaints are founded in fact, your committee have called witnesses from that district,
whose

whose residences being near the court, and most of them advocates and bailiffs of the courts of that district, render them very competent to give correct testimony on the aforesaid petition.

It appears by the testimony of these witnesses that the said Charles Whitcher, Esq., sheriff of the said district, has not, since his appointment to that office, (which took place on the 27th day of November 1823,) kept an open office wherein he regularly attended for the performance of his duty as sheriff of that district; that complaints have often been made to him for not doing so, and also being often requested to keep an open office where he could be found when his services were required as sheriff of the said district, the said sheriff has replied, "that the fees were so trifling that it would not pay."

Your committee do not deem it necessary to enlarge this report by adverting to the consequences that must necessarily result from the circumstance just alluded to.

It appears also to your committee that the conduct of the said Charles Whitcher towards his bailiffs has been such as to excite much dissatisfaction with the members of the bar and the bailiffs, as well as the public at large. It appears clearly by the testimony of the attorneys, that they have met with vexatious delays in their business in the courts, in consequence of the sheriff's not keeping an open office; also of his refusing to employ such bailiffs as were best qualified to perform the duty. It is established by the testimony of the bailiffs that the said sheriff would not employ them as bailiffs unless they would first agree to give him one-third part of their fees; that the said sheriff did exact, receive and retain for his own use, whenever it was in his power so to do, one-third part of the bailiffs' fees; and that's when monies were paid on execution to the bailiff, he (the said sheriff) had demanded and required of them, and did actually receive from them, one-third part of their fees; that he has neglected to adjust his accounts with his bailiffs; that he not only refused to employ them unless they would give him one-third part of their fees, but has deprived them of employment, and has struck one from off his list of bailiffs, although he had frequently told him that he did the business more correctly than any other bailiff in the district, without assigning any other reason than his refusal to give him one-third part of his fees.

It appears to your committee that the said sheriff employed a young man, then under age, to serve summonses and sheriff's process by the day, for which he agreed to pay him 5s. wages, and his travelling expenses, per day, amounting to 6s. 3d.; at the same time taking vouchers from that person for the whole amount allowed by law for the summoning of jurors, in order to receive the difference to his own use. It is worthy of particular notice, that the said sheriff called upon many of his bailiffs this winter, and informed them that he had been called to Quebec and examined before a committee of your Honourable House, and that there were complaints against him in consequence of his not settling with his bailiffs, and that he had come to them and desired to settle. The witnesses state that he urged them to the adjustment of their accounts, as they might be called to Quebec as witnesses against him. It is stated by the witnesses that the said sheriff did settle with them, and that he paid back to many such sums as he had extorted from them as one-third part of their fees.

Your committee refrain from making any comments on the conduct of the said sheriff; the facts as shown in the evidence which is annexed to this report are so glaring, and so oppressive in their consequences, that they cannot fail to have their due weight with your Honourable House.

Your committee have deemed it proper to take communication of the testimony of the said Charles Whitcher, taken before a committee of your Honourable House in December last.

Mr. Whitcher, upon his examination before the special committee named by your Honourable House to inquire into the fees of the several officers of the courts of justice in this province, (a copy of which examination your committee annex to the present report,) has, in the opinion of your committee, been guilty of false statements, and of a wilful misrepresentation of facts. Being asked whether he receives to his use a part of the fees or emoluments of the bailiffs by him employed, he answered, he did not. Being asked whether the fees in some cases are divided between the bailiffs and himself, he answered, no. He subsequently desired to add to his evidence, that he had no intention of retaining any part of their fees upon a settlement of accounts. Being asked whether he ever expressed to any of his bailiffs his intention of retaining a part of their fees or disbursements, he answered, that he thought some bailiffs, some years ago, offered him part of their fees upon his giving them the preference of doing the business, but that he has no recollection of ever having retained any. Being asked what was his answer to the proposition, he says, he thinks his answer was that he should give it to the bailiff that would do the business best; that that was the only answer he made, to the best of his recollection. Being asked what was his answer as it respected the keeping of part of the fees, he says, he does not know that he gave any decided answer. Being directed to state as nearly as he could the answer he gave as it respected the keeping of part of the fees, he says, he does not know what answer he may have given, as he had no intention of keeping any part of their fees.

This testimony is completely at variance with the testimony produced before your committee, to which the attention of your Honourable House has in the former part of this report been called.

Your committee have come to the conclusion, from the said sheriff's own testimony, and that of the witnesses who have been examined, that the conduct of Charles Whitcher, Esq., sheriff of the district of St. Francis, has been such as to retard the execution of the law, and in some cases to defeat and prevent the due execution of it altogether in the said district. That he has availed himself of his official power as sheriff of the said district, designedly, illegally and corruptly, to extort from bailiffs, his inferior officers, sums of money allowed

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respecting
Mr. Whitcher.

and belonging to them, and that to the prejudice of the administration of justice, and of the rights and interests of His Majesty's faithful subjects in this province.

That the said Charles Whitcher, Esq., in consequence, is, in the opinion of your committee, unfit to continue to hold the office of sheriff of the district of St. Francis; and that the said Charles Whitcher, Esq., sheriff as aforesaid, ought to be removed from his said office, and from all other offices of profit or honour which he may hold, and be declared unfit to hold for the future any office of honour and profit in this province.

The whole nevertheless humbly submitted.

M. Child, Chairman.

26th February 1836.

MINUTES OF EVIDENCE.

Wednesday, 10th February 1836.—MARCUS CHILD, Esq., in the Chair.

George Kimball, Esq., called in; and examined.

1. How many years have you been practising as an advocate in the court of the district of St. Francis?—I have practised at Sherbrooke as an advocate since the month of August 1824, with the exception of the summers of 1826 and 1827, when I went to Gaspé. I am still in the practice at Sherbrooke.

2. Do you know Charles Whitcher, sheriff of the said district, and how long?—I know Charles Whitcher, the sheriff of St. Francis, since the time I practised in the provincial court.

3. Have you any knowledge of the manner in which the said sheriff has selected jurors in the said district, during the time you have been practising at that court?—I have no personal knowledge; the knowledge that I have on the subject is the common report.

4. Please to state to the committee what the common report is on the subject?—The common report is, that the sheriff has employed bailiffs to summon the jurors, upon the condition that they would give him either one-third or one-half of their fees; I am not positive which.

5. Have jurors been summoned from the more remote parts of that district, to serve as such, more frequently than those who resided nearer to the court?—I think they have of late years; I have taken notice of that myself.

6. What reason has been assigned for calling jurors who reside furthest from the court?—The reason that has been assigned was the increase of the fees.

7. Is that your opinion?—It is.

8. By whom are jurors summoned in that district to serve in the courts?—They have been summoned by bailiffs of the court and other persons, as I have understood, under the directions of the sheriff, I suppose.

9. Do you know of any particular agreement between the said sheriff and such bailiffs and other persons employed by him to summon jurors?—Mr. Mallory, the bailiff, has stated to me on several occasions, that the sheriff had exacted from him a proportion of his fees for serving the summonses upon jurors. I think the sheriff required to deduct one-third or one-half of his fees, and that he had given him credit or given his note for the difference. I have heard from several other bailiffs that he had done the same thing with them.

10. Please to state their names?—I think Mr. Chamberlin, Mr. Fox, and Mr. Moe have mentioned to me that the sheriff had required that deduction; as also Mr. Barnard, who told me that he had refused to comply to those terms.

11. Will you explain to the committee the answer which you have given to the 9th question, as it regards said Whitcher's giving the bailiffs credit or his note?—The sheriff required a voucher or a receipt for the whole of the bailiff's fees, which Mallory gave to him; but the said sheriff gave the said Mallory credit for the difference, after deducting the proportion he kept for himself.

12. Have you any further knowledge as to the said sheriff's manner of summoning jurors in that district?—I think Mr. Moe informed me that he had served summonses for jurors at 5s. per day, and his travelling expenses. I also understood that he gave him receipts or vouchers for bailiff's fees. A person of the name of Nelson Hill, a bailiff, residing at Eaton, mentioned to me that he had served summonses for jurors without making any return to the sheriff that he had served them; that upon one occasion he received a summons from Charles Whitcher, jun., the sheriff's son, and that he never had received any compensation for his services, nor expected any.

13. Did Mr. Moe state to you at any time, or have you any knowledge how much his fees would have been on summonses thus served by him, and what the said sheriff would gain by his performing this service by the day?—I think Mr. Moe stated to me on one occasion that he had made services for the sheriff before he was appointed bailiff, in the townships of Barnston and Stanstead; the fees for such services amounted to upwards of 60 dollars; that he was then employed by the sheriff at 5s. per day, and travelling expenses, and I understood him he was but two or three days. I am not positive whether this was for summoning jurors or for serving other processes, or both.

14. Will you state to the committee what has been the conduct of the said Mr. Whitcher in the discharge of his duty as sheriff of said district; whether it has been partial and unjust in any and what instance or instances within your knowledge?—I had a conversation with the sheriff concerning his proceedings in the sale of certain property belonging to Has-

kell's

Correspondence
respecting
Mr. Whitcher.

kell's estate; I inquired of him how it could have happened that he had refused to take the widow Haskell's bid on the property which had been sold by him to Mr. Baxter; that he ought to have known better than to proceed in such a manner. He justified his conduct by saying, that he had done perfectly right; that he was informed the widow had no money to pay for the property, which had been sold for a large sum. I inquired of him if he had taken counsel upon the subject; he said that he had followed Mr. Peck's instructions, then king's counsel, and practising advocate at that court. This action was brought in the name of Mr. Peck, as curator to the estate of William Baxter, and the purchaser was one of the heirs to said William Baxter's estate.

15. Why and for what reason did you make this inquiry of the sheriff?—This inquiry arose out of the observations to me of several persons present at the sale, concerning the illegality or unjustifiable conduct of the sheriff's proceedings in the sale of the property before mentioned. Afterwards proceedings were taken in the Court of King's Bench by the widow Haskell, for the purpose of annulling the sale. I think there was a preliminary hearing in the case, and from the remarks that fell from the court, it appeared that the sale would be considered by the court as null, though they pronounced no judgment on the case. Soon after this I understood from Mr. Bureau, the notary, that the parties had settled; that Mr. Baxter had given up the property to the widow.

Thursday, 11th February 1836.

George Kimball, Esquire, again called in; and examined.

16. Have you any thing further to add to your answer to the 14th question?—I think that Mr. Whitcher's conduct as sheriff has been improper, inasmuch as his office is seldom open. It has not been open more than one day in the week for the last five years. To my certain knowledge it has not been open for a month at a time. I have often expressed my dissatisfaction to him concerning his negligence in not keeping an office open. I have frequently spent a whole day before I could find him, when I had business to transact with him as sheriff, and wished him to keep an office where he could be found when his services were required; he stated that the fees were so trifling that it would not pay; and I observed to him that if that was the case he had better give up his office, that some other person might take it who would keep an office open; and that the public had suffered great inconvenience in consequence of his refusing to employ bailiffs who would not comply with his demand for a part of their fees. Upon several occasions I spoke to Mr. Whitcher on the subject of his retaining part of the bailiffs' fees; his answer was that he had a perfect right to do so; that Mr. Gagy, sheriff at Three Rivers, had always taken one-third of the bailiffs' fees, and he believed all the sheriffs in the province did so. I observed to him that if the bailiffs' fees were too high, they ought to be reduced; that he had no right to take a farthing of their fees; that in consequence of his retaining part of their fees, the responsible bailiffs in the district were not employed; that Mr. Stephen Barnard, Samuel Mallory and John Chamberlin, bailiffs, had refused to do any business in the provincial court and king's bench, unless they could have all their fees. I stated to the sheriff that the three bailiffs before mentioned had applied to me to make a representation to the Court of King's Bench on the subject of his refusing to employ them unless they would give him part of their fees; he said he did not care, they or you may do your best.

17. What did you understand his meaning to be by this answer?—What I understood was, that whether he did right or wrong the court would protect him.

18. When and where did the said Whitcher attend to the duties of his office?—Any time when he could be found, in the street, in the fields, in stores, in taverns, or at his own house; he was likely to be found at one of those places as well as another.

19. Was he, when found, prepared to attend, without delay, to his duty as sheriff?—He was obliged to go to his house, the court house, or some other place, to get the necessary papers.

20. Do you know of any particular case, where injury resulted to the party from such delay, or from his not having a regular office and hours for attending thereat?—I do not recollect at this time of any particular case, but in almost every case, more or less injury resulted from his not keeping a regular office open, and from the delay in consequence of not knowing where to find him.

21. Are there not frequently cases of great urgency when the sheriff's warrant is required to arrest absconding debtors, and to seize their goods and effects?—Yes, frequently; more particularly so, because the court is situated near the frontier.

22. Have you any knowledge of the management of the gaol by the said sheriff?—I have no personal knowledge, though I have heard much complaint from the gaoler and prisoners. The gaoler complained of the want of provisions for the prisoners, and that he was obliged to purchase provisions for them with his own money, which he could not get again from the sheriff. I think the prisoners have complained that the provisions were of a bad quality.

23. What has been the conduct of the said sheriff towards the prisoners confined in the gaol of that district?—I have no knowledge of it.

24. Have you any and what knowledge of the incidental expenses of the gaol for the years 1831, 1832, 1833, 1834 and 1835?—I have not.

25. Having read the petition of divers inhabitants of the district of St. Francis, complaining of Charles Whitcher, Esquire, sheriff of said district, have you anything further to add

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to your testimony before the committee?—I will add that there has been great difficulty in obtaining sheriff's bailiffs to do the duty of the sheriff, in consequence of the difficulty of getting their pay from the sheriff when the money would come into his hands. All his bailiffs have stated to me that they would never get any of their fees from him if he received them: that I have always found great difficulty to get money from him when he had received any from my clients: that he still retains money belonging to my client: that in the cause No. 75 in the provincial court, *William Kelly v. William W. Williams* and one Osgood, I obtained a *prise de corps* against Erastus Hubbard as guardian to the effects seized in virtue of an execution issued in the above cause, which *prise de corps* was by order of the provincial judge directed to said Whitcher, as sheriff. Upon my giving him the writ, he demanded 12 s. 6 d. before he would execute it, or cause it to be executed; accordingly I paid him the 12 s. 6 d. and took his receipt. The sheriff took the writ and informed me some time afterwards, that the guardian had settled the debt and all costs; I then required him to return me the 12 s. 6 d. which I had advanced to him; he said he would not; that I must apply to the court. I observed that I might as well lose it at once as to apply to the court, knowing that I should never get it by applying to the court. I have not received it from the sheriff to this day.

26. Will you explain your answer to the third question on your examination before this committee yesterday?—The knowledge which I have of the sheriff's manner of selecting jurors, is, that he consults the bailiffs in the remote parts of the district, and makes out his list of jurors on their information.

Friday, 12 February 1836.

Mr. Amos Fox, called in; and examined.

27. When were you appointed a sheriff's bailiff in the district of St. Francis?—In 1825 or 1826.

28. Have you acted as such during the whole time since that period?—I have.

29. Please to state to the committee what you know of the sheriff's manner of selecting jurors to serve in the Court of St. Francis.—He used to select them throughout the district, before the Act of the Legislature regulating the manner of selecting and summoning jurors.

30. Were they called from the more remote parts of the district generally?—I am not able to state that that was the fact; I have heard it often said that the jurors were taken from the most remote parts of the district previous to the Act above alluded to.

31. What were his motives for doing so?—I am not able to judge.

32. Have you been employed by the said Whitcher to summon jurors?—I have.

33. Please to state to the committee what you know of his manner of performing this duty?—In the first year or two after the establishment of the court, and the appointment of the said Whitcher to the office of sheriff, he employed me and one Wells to summon jurors; since that time he has mostly employed for that service bailiffs recently appointed.

34. Has the said Whitcher at any time required a part of your fees for summoning jurors; if so, what part did he require?—He has; he directed me to charge mileage from my residence to the place of service, which was 2 s. per league, and 2 s. for the service; then I made my return from my residence to the sheriff, for which I charged 2 s. per league. He never would tell me positively what part of the fees he would require from me, but intimated several times that he would require one-third of the fees; and on some other occasion he would require the fees on the return from my house to the court house; the distance is ten leagues.

35. What part of your fees did you allow the sheriff on the settlement of your accounts?—We have never settled our accounts. I have often demanded of him a settlement, but he always put me off, saying that he had not yet received the money from government.—About four weeks ago, and since he returned from Quebec, where, as I am informed, he was examined before a committee of this house, he came to my house on a Saturday evening, and expressed a great anxiety to settle his accounts with me, which most astonished me, as I had given up the idea of getting any part of my fees for having summoned jurors, and because he had never before evinced any disposition to settle with me. My papers not being ready, I therefore could not settle that evening. Sunday evening following, as I was passing Mr. Brooke's tavern, he hailed me and desired me to call on him on Monday morning with my account, and he would settle. I called accordingly, and the said Whitcher selected that part of my account relating to summoning of jurors, which he paid, without deducting any part of my fees, and also paid me back fifteen dollars which he had at a previous period claimed and received from me as a part of my fees for other services in the Court of King's Bench.

36. Has he required vouchers of you at any time?—He has; which I have furnished.

37. Are the fifteen dollars you state which he refunded to you, the only fees which he required of you, and has returned?—They are not; he has always claimed one-third of my fees. He never paid me any fees that came into his hands before the fifteen dollars mentioned above. I think he retains still about the sum of 10 l. which is connected with that part of my account which he did not settle at the time above alluded to. I have since called on him at Sherbrooke, and demanded a settlement; he answered me that he had not had time to refer to his records, and could not attend to it.

38. Have you suffered in consequence of the said Whitcher not settling with you regularly?—I have.

39. Has

39. Has this been his practice with other bailiffs?—I have reason to believe that it has been his general practice with his other bailiffs.

40. Have you any thing to add to your testimony before this committee on the said petition?—I have not at this time.

Correspondence
respecting
Mr. Whitcher.

Edward Short, Esquire, called in; and examined.

41. How long have you been practising as an advocate at the Court of St. Francis?—Since the year 1831.

42. Have you any and what knowledge of the manner in which Charles Whitcher, Esquire, sheriff of said district, has selected and summoned jurors to serve in that court?—I have no personal knowledge on the subject. I have heard complaints made of the manner in which the said sheriff selected and summoned the jurors. The information which I have derived from Mr. Whitcher has been such as to exculpate him from blame as to the manner of his selecting jurors.

43. Do you think that the complaints which you have heard are groundless?—The complaints were made by persons of respectable character. If I should found my opinion from the character of the complainants, I should say that they were well founded; but if, on the contrary, I should judge of the complaints from the explanation which the sheriff himself has made to me, I should say that they are unfounded.

44. Do you know of the said Whitcher's requiring the bailiffs to pay him any part of their fees?—I have no personal knowledge on that subject; but I have heard several of the bailiffs say so, and Mr. Whitcher has always denied to me that he has made such exaction.

45. Do you know that the said Whitcher has been partial or unjust in the discharge of his duty as sheriff of said district; if so, please to state to the committee what knowledge you have on the subject?—I have no personal knowledge on the subject; but I have frequently heard complaints from attornies, bailiffs and suitors, against the sheriff, for partiality and injustice in the discharge of his duty. Complaints are made by the attornies and suitors that they could not find him in urgent cases during office hours; they also complained that he refuses to pay over money levied under executions belonging to them, without a special order from the court to that effect. The complaints of the bailiffs are, that in consequence of their refusing to allow him a portion of their fees, he has refused to give them employment. Of this practice of the sheriff the attornies have complained, inasmuch as they could not employ the bailiffs they wished.

46. Does the said sheriff keep and regularly attend in an office?—He does not; and he has never done so since I have been in the district.

47. Where is he to be found when his services are required?—When I require the sheriff's services I look through the village, and if I do not find him I go to his house, which is about a mile from the court house. I have been generally fortunate in finding him at one of these places. I will add, that the sheriff sometimes calls at my office to ascertain if I have any business, or if I am likely to have any during that day, in which his services would be required.

48. Can you always say positively that you would not require the services of the sheriff during any given time?—I could not. I cannot say at any time but that I may require the sheriff's services the next hour.

49. Have your clients suffered from your not finding the sheriff when you required his services in urgent cases?—I do not recollect any particular instance where my client's action has sustained any injury from not finding the sheriff when required; but a good deal of unnecessary delay is occasioned by his not keeping his office open during the regular hours for business.

50. Have you any knowledge of the sheriff's conduct in the case, *Widow Fanny Haskell, defendant, No. 185*?—If the case mentioned in this question be an action that was brought some time ago in the Court of King's Bench, in the district of St. Francis, by Ebenezer Peck, Esquire, as curator to the vacant estate of the late W. Baxter, against Fanny Haskell, in her capacity of tutrix to her minor children, the issue of her marriage with her late husband, I do know something of it, having been the attorney for the plaintiff in that case. I was not present when the sale of the property seized under execution issued in that cause; but the sheriff came to me immediately after the sale had taken place, and told me that he had refused the widow's bid, and that of Mr. Spalding, because they told him that they had not the whole amount of their bid in money at that moment, and that they had offered him a check on the Montreal bank, either for the whole amount or for the balance, which he had refused, in compliance with instructions from E. Peck, Esquire, plaintiff, who was present, and who insisted that the property should be adjudged to Mr. Baxter, unless they should produce the whole amount of their bid instanter; and the property was accordingly adjudged by him to Mr. Baxter. He further told me that both of them had bid higher than Mr. Baxter. I informed him then that I thought he had done wrong in rejecting their bids; and I am persuaded that in that instance he was led into error by Mr. Peck, and not influenced by any improper motives. Subsequently *Widow Haskell* presented a petition to the Court of King's Bench, to set aside the adjudication of the property to Mr. Baxter, which I resisted, until a compromise was effected between the parties, by which the property in question was relinquished by the adjudicator.

51. Have you any knowledge of the sheriff's treatment of the prisoners in the gaol?—I have no personal knowledge. I have heard complaints made of the sheriff's treatment to the prisoners.

Correspondence
respecting
Mr. Whitcher.

52. Have you any knowledge of the sheriff's contingent account for the gaol?—No personal knowledge; but I have heard complaints on this head also.

Saturday, 13th February 1836.

Mr. *Robinson Gavin*, called in; and examined.

53. How long have you resided at Sherbrooke?—Between five or six years in the village of Sherbrooke, and nearly nine in the county.

54. Have you any knowledge of the manner in which Charles Whitcher, Esquire, sheriff of the district of St. Francis, has performed the duties of sheriff in the said district?—I have.

55. Will you state to the committee what that is?—Being appointed curator to the vacant estate of Thomas Reiley, late of Sherbrooke, deceased, I obtained a judgment in the Court of King's Bench in March 1832, against Charles Bridgman Felton, then prothonotary of the court at Sherbrooke, and brother-in-law to the said sheriff, for 17*l.* and costs. I repeatedly applied during fourteen months to the said prothonotary for an execution against himself, which I could not obtain. Having discovered in the month of June 1833 that some wine and flour, namely, three barrels of flour, worth at that time about 10 dollars per barrel, and a barrel of wine and other articles, had come to Mr. Felton, I immediately went to the court house, the court then sitting, and through my attorney obtained execution on the aforesaid judgment, which was directed to the sheriff of the district. The sheriff's office not being open, nor could I find him about the court house nor in the village, I borrowed a horse and hastened to the house of said sheriff (nearly a mile from the court), where I found him about one o'clock in the afternoon. I requested him to attend to it without delay, at the same time informing him where and what the property was that I wished to seize; he declined doing so himself, stating that he would not execute a warrant directed to himself. He then wrote a warrant and directed it to his bailiff; I again requested him to attend to it himself immediately, as I feared that if the said Felton got home from the court he would secrete the property; he again declined, and told me to go and look for his bailiffs, refusing to do so himself. I then proceeded to the court house and found one Dresser, whom the sheriff had informed me was one of his bailiffs, who refused to execute it, stating that he would not do it either for me or the sheriff. I then looked through the village for another bailiff, but found none. After consulting with my attorney on the subject, we went together to the sheriff's house, and I informed him that I could find only one bailiff, who had absolutely refused to execute the warrant. He told me to go back to the said bailiff, and to request him in his name to do it; my attorney, Mr. de Tonnancour, and myself requested him again to execute it himself immediately; he said that he would not attend to it himself. I then took the warrant again from him and went with my attorney in search of the aforesaid bailiff (Dresser); we met him in the road near the sheriff's house, and requested him, in the sheriff's name, to execute the warrant; he said that he would have nothing to do with it, and refused to take it. We returned again to the sheriff's house and explained what had passed; my attorney then requested him to attend to it himself, or to make a special appointment of some bailiff attending at the court, or some other person, to execute the warrant; he said that he would not; that if he did not find one of his bailiffs on the following day, he would make such special appointment. I then informed him that if the seizure was made before Mr. Felton got out of court, I should secure the debt and costs; but if deferred until the next day I should lose both. He then took out his watch and said it was nearly six o'clock p.m. and too late to do any thing about it that day, which he said in a harsh way. He came to me the next day at about 11 o'clock, and said that he was ready to make an appointment of a bailiff. Having ascertained that the property was gone, I told him it was of no use, the property having been secured by Mr. Felton. I have never been paid the debt, nor do I expect to get any thing, Mr. Felton having left the country.

55½. Do you know the reason why the sheriff refused to appoint a person specially one day, and on the following day was willing to make such appointment?—I think it was because the sheriff wished to give to his brother-in-law, Felton, an opportunity to return from the court and secrete the property.

56. Have you any other complaints to make of Mr. Whitcher as sheriff?—Yes, because he does not attend at his office regularly. He was not at his office when I obtained the warrant above mentioned, and I should not have had so much trouble if his office had been open.

57. Do you know whether Mr. Whitcher has been in the habit of exacting a part of the fees of the bailiffs by him employed?—All the knowledge I have is, that I heard John Chamberlin, a bailiff, declare on oath in court, about two or three years ago, that the sheriff declined giving him any more business unless he would give the sheriff, I think, half of his fees. Chamberlin stated this on his examination as a witness in a cause in which Mr. Whitcher was sued by a bailiff of the name of Terrill.

58. Have you any knowledge of the manner in which the prisoners in the gaol at Sherbrooke have been supplied with provisions?—I have heard many complaints from the gaoler, stating that the sheriff neglected his duty in not furnishing the necessary provisions for the gaol. Not having bread for the prisoners, the gaoler was obliged to furnish meat and potatoes of his own.

59. Have you any thing to add to your testimony before the committee in the case of said sheriff?—I have not at present.

Mr. *Levi Spalding*, called in ; and examined.

60. Do you know Charles Whitcher, Esquire, sheriff of the district of St. Francis?—I do; I have known him since September 1834.

61. Have you any knowledge of the manner in which the said Whitcher has performed his duty as sheriff of that district?—I have.

62. Please state to the committee what you know on the subject.—In the month of September 1834, I appeared at Sherbrooke as agent for the defendant, in a cause, *Peck v. Haskell*, No. 185, in the Court of King's Bench, for the purpose of settling the execution against the defendant, and also another execution in a cause in the same court, *Baxter v. Haskell*, No. 168. On the former execution the real property of the defendant had been seized, and advertised to be sold on that day by the said sheriff. I informed the sheriff early in the morning previous to the sale, on the highway in the village, where I found him after having spent some time in search of him; that I was prepared to pay the whole amount of legal claims on the property advertised, but that the defendant wished to have the property brought to a sheriff's sale, for the purpose of getting a sheriff's title. I told the sheriff that the defendant had sold building lots and mill privileges to several individuals, who held her bond for good and sufficient titles, on which they built shops, houses and mills. I also told him that the residue and remainder of the property in question, the defendant held in trust, as tutrix to her minor children, issue of her marriage with her late husband. The whole property in question had formerly belonged to Freeman and Cobb Haskell, the latter of whom sold his undivided portion to Mr. Stephen Foster. A division had been agreed upon between the said Foster and the Widow Haskell, in her capacity of tutrix as aforesaid; and our object in allowing this property to be sold by the sheriff, was, that the defendant might obtain a sheriff's title to the property, to enable her to legalize all the agreements which she had entered into in her capacity as aforesaid, with the parties aforesaid. After thus stating the circumstances under which the property in question was placed, I asked him if he could comply with the wishes of the defendant, to which he answered that he could, and said that it was a very common transaction for defendants to allow their property to be sold for such purpose; he said that there was no danger of its passing out of the defendant's control, as she was a legal bidder, and that it was in her power to stop the sale at any moment, if any person should appear at the sale, and bid the property above the amount of the aforesaid executions. Having made some observations to him about the poundage, he replied that it was merely 2½ per cent. I then informed him that I was acting agent for the widow, and that in that capacity I should bid on the property, so that it might not be sold to any other person. Immediately after this, the sheriff proceeded to the sale at his office in the court house, and called for bids on the property; the bidders were, Mr. Kimball for the plaintiff, and myself for the defendant. When my bid amounted to about 150 l. the amount of the said claims, Kimball ceased to bid, and then I demanded the sheriff to adjudge the property to me, as agent to the defendant; whereupon the sheriff replied that the property is up for sale, and it must be sold to the highest bidder. On hearing this, Mr. Portus Baxter, part owner of the said execution, began to bid, and continued so to do against me until I was forced to bid 304 l. That being the highest bid that was made on the property, the sheriff refused to adjudge it to me until I should count the whole of the money on the counter. I had in my pocket about 250 l. in current bank notes, the greater part of which sum was of the banks of Canada, which I put down on the table, and stated to him that I would give him a draft on my friend, payable at sight, in Montreal, for the balance of my bid; that I would give him instantly a good and sufficient security for the payment of my draft, who was Mr. Erasmus Lee, farmer, of Stanstead, who was then present. The sheriff replied to this that he could not accept of my bid, unless the whole sum should be paid down in cash. At this stage of the business, I entreated him to suspend the sale until I would bring Mrs. Haskell, who was at the inn; he complied, and I brought Mrs. Haskell, who made the same bid of 304 l. and demanded of him to adjudge the property to her. The sheriff demanded of her the amount of her bid, to which she did not reply. The sheriff then adjudged the property to Mr. Baxter, for the sum of 303 l. and required of him to pay down 153 l. in cash, allowing the said Baxter to retain the difference, say 150 l., as the privilege of the plaintiff, and conveyed the property by deed to said Baxter. Nearly six months after, the defendant (Mrs. Haskell) applied to the Court of King's Bench by a petition, praying the court to amend the sale, upon which Baxter compromised, and in consequence the property was deeded to me by the said Baxter, as agent for Mrs. Haskell.

Monday, 15th February 1836.

Mr. *Levi Spalding*, again called in ; and examined.

63. Have you any thing to add to your answer to the 62d question given on the 13th instant before the committee?—I will add that the damage sustained by the defendant in consequence of the property being adjudged to said Baxter, in the way of costs, was upwards of one hundred dollars, besides legal fees and poundage.

64. Have you any knowledge of the said sheriff's manner of selecting and summoning jurors to serve in the courts of the said district of St. Francis?—I have not.

65. Have you any knowledge of the said sheriff's treatment of the prisoners in the gaol of the said district?—I have none.

Correspondence
respecting
Mr. Whitcher.

66. Have you any knowledge of the said sheriff's contingent accounts of the gaol in said district?—None.

67. Have you anything to add to your evidence on the petition against Charles Whitcher, esquire, sheriff of the district of St. Francis?—I think of nothing more.

Mr. John Chamberlain, called in; and examined.

68. How many years have you been a bailiff in the district of St. Francis?—About 10 years last June.

69. Have you any knowledge of the manner in which jurors have been selected and summoned in the district of St. Francis?—My knowledge on the subject relates to what took place four or five years ago; since then I have not been employed as bailiff to summon jurors.

70. Were jurors, at the time you mention, selected from persons residing at a distance from the court house, in preference to persons residing nearer?—They were.

71. During how many years did the practice exist of summoning jurors from a distance, in preference to persons residing nearer the court house?—Ever since I have been a bailiff; and my impression is, that the practice exists up to this day.

72. Please state what makes you think that the practice still continues?—I can state positively that they are still summoned from a distance in preference to persons residing near the court, and there has been no interruption in the practice up to this day.

73. What are the fees of the sheriff for summoning jurors?—Three shillings per league, for travelling from my residence to the place of service, and 2s. for each service, as the sheriff informed me, and my accounts were made accordingly.

74. What motives do you suppose have actuated the sheriff in preferring to summon jurors from a distance, rather than persons residing nearer?—My impression has always been, that his object was to augment his fees.

75. There is a complaint contained in the petition before the committee, that the sheriff has required his bailiffs to pay him a part of their fees; could you give the committee any information on this subject?—As respects the complaint contained in the petition, I remark that the petition was got up without my knowledge. Shortly after I gave security to the sheriff as bailiff, I had a conversation with him on the subject of doing his business; he observed that I might have the portion of business arising in the part of the country where I lived, provided I would do it on the same conditions as his other bailiffs, namely, to give him one-third of my fees: my answer was, that if the other bailiffs had agreed to do so, I would do the same. On inquiring of older bailiffs in the district, namely, Mr. Barnard and Mr. Terrill, they informed me that the sheriff had demanded of them that portion of their fees, but that they had refused to give it to him: upon this, after having done business for him as bailiff during two or three years, I called on him for the first time for a settlement of our accounts; he then made claims for one-third of my fees; I refused to allow it to him, inasmuch as other of his bailiffs had informed me that they did not make such an allowance, and I mentioned the names of Mr. Barnard and Mr. J. M. Terrill. At the time I was informed by two of his bailiffs, namely, William Wells and Samuel Mallory, that they had made such allowance. The settlement was not effected then, and was made by my suing him about a year afterwards, for all my fees, for which I obtained a judgment. The action did not comprehend my fees for summoning jurors. Before suing him, he gave me his note for two-thirds of my fees for summoning jurors, and I gave up the other third to him, which third amounted to about between three and five pounds; though at the same time I gave him vouchers for the whole amount of my fees, in order that he should recover the same from government. My reason for giving up that part of my fees was, that I considered it the only way to get a settlement. Since my refusing to give him one-third part of my fees, he has struck me from the list of his bailiffs, though, at the same time, he has refused to give me up my bond, and has not employed me since; and he has assigned me no other reason than my refusal to give him that share of my fees. He often remarked to me that I did the business more correctly than any other bailiff in the district.

76. Did the said sheriff plead in his defence to your action that you had agreed to give him a part of your fees?—He did not; after having got the cause put off for two terms, he confessed judgment.

77. Have you any thing more to add respecting the said sheriff's exacting a part of the fees of his bailiffs?—Mr. S. Mallory, who informed me that the reason why he did not come down to attend this committee as a witness, was, that one of his children was on the point of death, told me that after Mr. Whitcher had returned from Quebec a few weeks ago, he had gone to him, and after having ascertained the amount which he had received as a part of Mr. Mallory's fees, as a bailiff, gave his note to him for the amount. Mr. Mallory also stated that he had a long standing account for other services with the sheriff, and he had been trying for a year past to effect a settlement, but without success.

78. Have you ever had any conversation with the sheriff since you came to the settlement you have spoken of, on the subject of his having exacted a part of your fees for summoning jurors?—After he returned from Quebec, a few weeks since, he called upon me, and told me that the object of his journey from his residence to Stanstead was to effect a settlement with all his bailiffs, and that he wished to effect one with me, and be on friendly terms with me for the future. I told him that having had none of his business for many years, there was nothing to settle. He then observed, that since I had no claim against him, he begged of me to give him a certificate that he had honorably paid me for all the services I had performed

formed for him. I told him I was not prepared to give him a certificate of that kind, or any other. He did not speak to me, nor did I to him, about the fees he had retained of me. I was the more surprised at his visit, as for many years previous he had said little to me, and that coldly.

79. Will you state where William Wells, a bailiff, referred to in your answer to the 75th question, resides?—He resided at Burlington, in the State of Vermont, the last time I heard of him. I think he left the country about three years ago.

80. Will you state to the committee if you have met with delays in your business with the said sheriff, in urgent cases, in consequence of his keeping no regular office?—I have frequently been delayed in getting out the sheriff's precepts or warrants, in consequence of his absence from his office, and from his home; and I could not find him in the neighbourhood, nor any person to transact business for him; and I think, to the best of my knowledge, it is generally the case with everybody that has business to transact with him.

81. Have you any knowledge of the said sheriff's treatment of the prisoners in the gaol of that district?—I have not.

82. Have you any knowledge of the said sheriff's contingent accounts?—I have not.

83. Have you anything to add to your testimony on the said petition against the sheriff of said district?—Nothing.

Tuesday, 16th February 1836.

Mr. *Hiram Moe*, called in; and examined.

84. How long is it since you were appointed a bailiff in the district of St. Francis, and by whom?—I think I was appointed in 1832.

85. Have you any knowledge of the sheriff's manner of selecting jurors to serve in the courts of that district?—The knowledge I have on the subject is, that I have summoned jurors for the sheriff before and since I was appointed a bailiff.

86. What fees have you charged for performing these services?—The first jury that I summoned I was employed by the day at 5 s. per day; the sheriff paid for my travelling expenses.

87. How many days did it take you to summon that jury?—I was employed for about 10 or 12 days to summon the whole body, namely, the grand and petit jury.

88. Did the sheriff receive the fee?—He did.

89. What was the amount of these fees?—They generally amount to between 16 l. and 20 l. for each body, including both the grand and petit jury.

90. Did the sheriff require you to sign vouchers for the amount?—I think he did.

91. What was the amount of your travelling expenses?—About 6 s. 3 d. per day.

92. After you were appointed a bailiff, what fees did you charge for summoning jurors?—It was 2 s. a league, for the actual travelling from my residence till I summoned the last juror on my list, and 2 s. for each service.

93. Do these fees include all the sums charged by the sheriff to the government, for the summoning of jurors?—I have understood from the sheriff that he received 3 s. a league from government, and 2 s. for each service.

94. Do you know whether the sheriff charged the government more mileage than what you had charged in your accounts for summoning any jury?—I do not know that he did; I do not distinctly recollect.

95. Has the sheriff latterly allowed you 3 s. a league for summoning jurors; if so, state what reason he gave you for doing it?—I summoned a part of the jury to attend the court which opened on the 1st of February instant, and he allowed me 3 s. a league, stating that he did so because he received that sum from government.

96. Did he reimburse the difference for the services previously performed by you in summoning jurors?—He did for the summoning of the jury before I was a bailiff.

97. What sum did the sheriff reimburse to you, and when and where did he do it?—I think about 10 l.; he gave me 5 l. in cash, and his promissory note for 5 l., which I hold. It was at Sherbrooke, and since he returned from Quebec this winter.

98. What reason did he give you for making such reimbursement; did you apply to him for such reimbursement, or did the proposition come from himself; if so, state the conversation you had on the subject?—He came to my residence and asked me if I had any claim against him. I told him I had not. He asked me if he had paid the whole of the fees for business that I had done for him. I told him that he had, according to our agreement. He then asked me if I had summoned any jurors when I was employed by the day to do so; I told him I had. He said that the house of assembly had called upon him to give an account of his proceedings with his bailiffs. The words he used were either those or to that effect; and that he must pay me the balance. He then produced the list of jurors I summoned before I was a bailiff, from which it appeared that the sum above stated was due to me.

99. Did you expect when you were summoning jurors by the day, that you should in future receive any favour or advantage from the said sheriff in any way?—I do not expect any favour. He told me at the time, that when I should become more acquainted with the business, he would employ me as a bailiff, and give the fees; he did so, as I have above stated.

100. Did he say any thing to you about the difference between the sum charged by you for summoning jurors since your appointment as bailiff, and that charged by him to government for the same?—He did not.

101. Did you agree with him to charge only 2 s. a league for mileage?—I did not; but I was under the impression that that was the sum allowed to him by government for mileage.

Correspondence
respecting
Mr. Whitcher.

102. When you summoned jurors, were they taken from persons residing at a distance from the court house, in preference to persons residing nearer?—They were not.

103. Did the sheriff ever require of you to give up a part of your fees for other services as a bailiff, than those of summoning jurors?—I believe not for services done by me since I was appointed a bailiff. Before I had served writs for him at 5 s. per day, and travelling expenses.

104. Have you any knowledge of the persons employed to summon jurors of late, other than yourself?—I know that some other bailiffs have been employed to summon jurors, but I do not know on what conditions.

105. Do you know that the said sheriff has been partial and unjust in the performance of his duty as sheriff?—I do not; I have heard bailiffs complain that the sheriff did not use them fairly.

106. Does he keep an office open every day at regular hours, for the transacting of business as sheriff?—He keeps an office, but I do not know whether it is open regularly.

107. Have you, or do you know of any persons having suffered delay and damage, from his office not being open at regular hours?—I know that people have to go to his house to find him.

108. Do they always find him there?—Not always.

109. Is he often from home, and for days together?—He is not always to be found when he is wanted. I have frequently known him to be absent from home, at Stanstead or Quebec.

110. Who performed his duty when he was absent?—His son, Charles W. Whitcher.

111. What is his age?—He is under age.

112. Have you anything to add to your testimony before the committee on the petition of divers inhabitants of the district of St. Francis?—I have not.

Friday, 10th February 1836.

Mr. Samuel Mallory, called in; and examined.

113. How long have you been a bailiff in the district of St. Francis?—I think since 1829.

114. Have you been employed by the sheriff of the said district to summon jurors?—I have.

115. Please state to the committee what you know of the said sheriff's manner of selecting and summoning jurors in that district.—With regard to the selecting of jurors, I have no personal knowledge; but as to the summoning, I have followed his directions with regard to the fees.

116. What have been the fees which you have charged on such services?—I have charged for all actual travel, 3 s. a league, and 2 s. for each service.

117. Has the sheriff required of you a part of such fees?—Before I commenced doing business for him, he observed to me, that if I did his business, I must do it as other bailiffs had done, which was to allow him one-third part of all fees.

118. Did you allow him one-third part of your fees?—He has reserved and kept one-third part of my fees for my services in summoning jurors, amounting to about 9 l.

119. Since what time did the said sheriff cease to require and retain one-third part of your fees?—Since about three years this month, I understood from the sheriff himself that the Court of King's Bench had made some observations with respect to his keeping any part of the bailiffs' fees, and that he wished me to charge him for the whole of my fees from the time I had commenced doing business for him, and I did so; but he has not yet fully paid me. Since he has returned from Quebec, he called upon me at my house, and he observed to me that there was a complaint against him before the house of assembly, that he had not paid his bailiffs, and that he had reserved a part of their fees, which were considered too high, on account of his keeping a part of the same; that also, he had summoned jurors from the more remote parts of the district, in order to increase his fees: and he had in consequence called upon me to settle whatever might exist between us, in case I should be called as a witness before the house against him; and he said, in speaking of the complaint made against him, you know better than that. These I think were his words, which had reference to the manner of summoning jurors.

120. Have you any knowledge of his summoning jurors from the more remote parts of the district, in preference to those persons who resided near the court?—I have not. I reside within four miles from the court house, and have summoned jurors only who reside within a circle of fifteen miles from said court.

121. Does the said sheriff keep an open office?—He keeps an office which is open during the sitting of the court.

122. Have you met with any delays from the said sheriff not keeping an open office, where he attends to the duties thereof regularly?—I seldom receive any papers from the sheriff; generally the plaintiff's attorney obtains the papers from the sheriff, and hands them to the bailiff. I have frequently heard the attorneys complain that the Sheriff was not at his office, and that they could not get the papers.

123. Have you any knowledge of the sheriff's conduct in the discharge of his duty as sheriff; has he been partial and unjust in any instance?—I have not. I have heard complaints against him for partiality from Isaac Robinson Gavin, of Sherbrooke. I think, two years last August, Mr. De Tonnancour, attorney for the said J. R. Gavin, spoke to me at about one o'clock p. m.; he wished me to execute a writ on the property of Mr. Charles B. Felton in favour

favour of said Gavin, in his capacity of curator to the estate of one Reiley. The property in question consisted of two or three loads which were hourly expected at Sherbrooke. I waited at Mr. King's tavern, but heard nothing from the parties that day. Next morning I went early to the village, and saw the sheriff, who asked me where I was the day before; that much noise had been made on account that that writ was not executed the day before. He then gave me the writ and desired me to execute it as soon as I could, which I did on that day on some household furniture; the loads above alluded to, I could not find.

124. Is the sheriff's office regularly open in vacation?—I should think not.

125. Have you ever found it shut in vacation?—Yes.

126. Frequently?—Yes.

127. Do you suppose that inconvenience must result to the public from the sheriff's office not being regularly open in vacation?—I should think so.

128. How are the prisoners in the gaol supplied with provisions by the sheriff?—I do not know.

129. Do you know the contents of the petition of divers inhabitants of the district of St. Francis, complaining of Charles Whitcher, Esquire, sheriff thereof?—I do not. I heard that there was such petition.

130. Having read the petition, can you give the committee any further information on the same?—I do not know that I can.

Correspondence
respecting
Mr. Whitcher.

COPY of the MINUTES of EVIDENCE (referred to in the preceding Report) taken before the special Committee appointed to inquire concerning the fees and emoluments received by the several Officers of the courts of justice in this province.

Thursday, 17th December 1835.—LOUIS HYPOLITE LAFONTAINE, Esq., in the Chair.

Charles Whitcher, Esq., called in; and examined.

1. When were you appointed sheriff of the district of St. Francis?—I think in 1823.

2. Is there any and what fixed salary attached to the said situation?—50 *l.* sterling a year.

3. Do you hold any other office under government?—I am also deputy post-master.

4. What is the amount of the gross proceeds of your office of sheriff for the last five years?—

In 1831	about	£.46 14 -
1832	- -	82 18 -
1833	- -	75 18 -
1834	- -	136 15 -
1835	- -	119 9 -

5. What is the annual amount of the expense of your office for the last five years, for which you are not reimbursed by government?—

In 1831	about	£. 20 - -
1832	- -	24 - -
1833	- -	34 - -
1834	- -	36 - -
1835	- -	36 - -

6. In what do those expenses consist?—In assistance in my office, and printing for my blanks, and stationery.

7. Do you employ any clerks, and what salary do you give them?—I have no regular clerk; I only employ an assistant occasionally.

8. What is the amount charged by you to government for the last five years, for contingent expenses as sheriff?—

For 1831	- -	£. 64 2 -
1832	- -	139 19 6½
1833	- -	205 5 8
1834	- -	195 6 8
1835	- -	178 7 6

9. In what do those contingent expenses consist?—In 1831, they consisted in contingent expenses for the gaol and support of the prisoners, and summoning jurors and peace officers for the sessions of the peace. In 1832, they consisted in the services and disbursements in preparing jurors' list. The same in 1833 and 1834. In 1835, for the expenses of the gaol and support of prisoners, summoning jurors for the sessions, and for my attendance in attending the provincial court during the circuits in the district of St. Francis.

10. Could you produce, and when, copies of the said contingent expenses by you furnished to government, for the last five years?—I cannot, inasmuch as I do not keep copies of the detailed account sent in to the government.

11. How much have you paid to the king's printer during the last five years, for advertisements inserted by you in the Gazette by authority?—I think about 70 *l.*

12. How much do you charge for the titles you give to purchasers of immovable property?—In 1831, I charged 20 *s.* when the purchase money did not exceed 30 *l.*; and afterwards 1 *l.* 10 *s.* when it did not exceed 100 *l.*; it varied afterwards. I gave the purchaser a deed, including all the lots in one range, and I charged 30 *s.* In August 1834 I charged 46 *s.* 8 *d.*

Correspondence
respecting
Mr. Whitcher.

when the consideration exceeded 100 *l.*; and during the year 1835, by an order from the court, I charged 25 *s.* for each deed, and 5 *s.* for each additional lot, without reference to the purchase money.

13. In virtue of what authority did you make the above charges in the years preceding the present one?—By virtue of a tariff, and the orders of the court.

14. Please produce a copy of the tariff regulating the fees of your office?—I have no tariff of the provincial court; but I produce tariffs of the Court of King's Bench, and the orders to which I allude, with the exception of one, which I shall produce to the committee as soon as possible.

15. Was no tariff ever made regulating your fees in causes instituted in the provincial court?—None.

16. How then do you regulate your charges in causes in that court?—They are generally regulated by the taxation of the judge in vacation, according to usage.

17. Does the judge observe any and what rule in taxing your fees in causes in that court?—Till within the last three years, he allowed 5 *s.* 2 *d.* for each writ of summons; 10 *s.* for each attachment; 12 *s.* 6 *d.* for each *capias ad respondendum*, and 5 *s.* 8 *d.* for each execution, independent of the disbursements to the bailiff in the execution of those writs. Since that period he reduced the summons to 5 *s.*

18. Do these charges include all your fees in causes in that court?—Yes.

19. What fees are allowed to bailiffs for services by them performed in the provincial court, in causes above 10 *l.* sterling?—I cannot recollect; those fees are always subject to the taxation of the judge. There is no written tariff to my knowledge.

20. Is there no fixed rule establishing the fees of the bailiffs for such services?—No.

21. When a bailiff serves for you a summons in the provincial court, what sum is he allowed for mileage?—I think 6 *d.* per mile.

22. Have you ever seen it taxed otherwise?—I think not.

23. Is not this a matter of frequent occurrence?—Can you not state positively what sum is allowed by the provincial court for mileage to bailiffs?—I think I may say positively, to the best of my recollection.

24. What sum is allowed them for mileage in the Court of King's Bench?—I refer to the tariff.

25. Do you receive to your use any and what part of the fees or emoluments of the bailiffs?—I do not.

26. Do you pay them by the year, or how?—The party generally pay them.

27. Are their fees on executions included in the sum by you retained out of monies levied by you?—Not always.

28. Please mention in what cases their fees are not included?—In cases when plaintiffs settled themselves with the parties.

29. Are the sums charged by you on executions, as fees of the bailiffs, paid over entirely by you to them?—When I receive them.

30. What sums have you paid to your bailiffs for the last five years?—I cannot tell.

31. When the same individual becomes the purchaser of divers immoveables sold in the same cause, do you grant him one title for all?—I have already answered this question.

Saturday, 19th December 1835.

Charles Whitcher, Esq., again called in; and examined.

32. Do you receive fees in some cases, not allowed by the written tariff?—I do not.

33. Are the bailiff's fees in some cases divided between you and the bailiff?—No.

34. Does the judge of St. Francis allow you fees in some cases, although not allowed by the tariff?—He does not, to my recollection.

35. What has been the annual amount, during the last five years, of poundage to you allowed by law?—

In 1831	-	-	£. 1	5	-
1832	-	-	2	-	-
1833	-	-	8	6	4
1834	-	-	15	14	-
1835	-	-	15	15	-

This poundage is derived from the sales of moveable as well as immoveable property.

36. On sales made by you, do you authorize persons to bid for you, or have you ever indirectly become the purchaser of property sold by you, or have you authorised persons to bid, in order to cause the property to be sold higher?—Not at all; unless the mere setting up of the property may be deemed as coming under this question.

37. Do the duties performed by you as postmaster, interfere with your duty as sheriff?—No.

38. Do you generally employ bailiffs residing in the township, or the nearest to the township where the service and seizure is to be made?—The advocates generally employ the bailiffs; I send the process to the bailiff named by the advocate.

39. Do they charge mileage from their place of residence or from Sherbrooke?—In the provincial court, the bailiff nearest to the residence of the defendant is generally employed; and that bailiff charges mileage from his own residence to that of the defendant. The same practice exists in the Court of King's Bench, unless it is given to the sheriff to send out.

Monday, 21st December 1835.

Correspondence
respecting
Mr. Whitecher.

Charles Whitecher, Esquire, being again called in, requested that the following additions might be made to some of his answers, on his examination of the 17th and 19th instant, viz.:

To the 9th. The lists referred to are directed by the statute.

To the 12th. And I believe the further sum directed by the statute regulating the office of sheriff.

To the 13th. And by provincial statute.

To the 18th. Unless the process be executed by me, and I then make the same charge as bailiffs do.

To the 20th. I do not know of any.

To the 25th. I have no intention of retaining any part of their fees, upon a settlement of our accounts.

To the 28th. Or if not so paid, or when they are employed by me, their fees are transferred to my account with them, to be paid on settlement.

To the 29th. Or passed to our account.

To the 30th. I do not think that upon a final settlement with all my bailiffs, I am indebted to the whole in a sum exceeding 25 *l*.

To the 32nd. Except for such services as are not contemplated in the tariff, or allowed by statute.

To the 33rd. All the bailiffs' fees received by me are carried to their credit, and to be paid to them upon a settlement of our accounts.

Mr. Whitecher was then further examined.

40. Could you produce, on your return home, detailed accounts of the physician employed to attend the prison of the district of St. Francis, for the last five years?—I will forward them in the course of next week.

41. Since how many years are your accounts open with your bailiffs?—I have not come to a settlement with any one since my accession to office, except with one two years ago.

42. For what reason?—Because I owe them so little; probably not anything.

43. Have they ever demanded of you to settle with them?—No, not to my recollection.

44. Are you positive in saying that no bailiff has asked you to settle accounts with him since your accession to office?—Not to my recollection. I am not sure whether Mr. Brooks did not say that he had his account in his pocket the last Court of King's Bench, or somewhat about that time; but I did not see him again after that day, and I do not think any other bailiffs ever asked me for the settlement of their accounts.

45. Have you ever declined paying bailiffs to whom you may be indebted, the sums which they have asked for, either in settlement of their accounts or in part payment?—I do not recollect.

46. Have you, since your accession to office, been in the habit of paying sums of money to bailiffs, when asked for, in settlement of their accounts or in part payment?—Yes.

47. You are then positive in saying that you have never refused to pay a bailiff the sum to him due when asked for?—Not to my recollection.

48. Do you not find it inconvenient to let your accounts with bailiffs remain unsettled for such a length of time?—I have not experienced any inconvenience.

49. Do the bailiffs experience any inconvenience from the practice?—I think not.

50. Have you ever expressed to any of the bailiffs by you employed, your intention of retaining a part of their fees or disbursements?—I think some bailiffs, some years ago, offered me part of their fees, if I should give them the preference of doing the business; but I have no recollection of ever having retained any.

51. What was your answer to the proposition?—I think my answer was, that I should give it to the bailiff that would do the business best; that is the only answer I made, to the best of my recollection.

52. What was your answer as it respected the keeping of part of the fees?—I do not know that I gave any decided answer.

53. Please state, as nearly as you can, the answer you gave, as it respected the keeping of part of the fees?—I do not know what answer I might have given them, as I had no intention of keeping any part of their fees.

Tuesday, 22 December 1835.

Charles Whitecher, Esq., again called in; and examined.

54. What part of their fees did such bailiffs offer to give to you on your employing them?—I think a third.

55. Have you anything to add to-day to your answer to the 53rd question?—I think I have not.

56. What is the name of such bailiffs?—I do not recollect.

57. How many bailiffs made you such propositions?—I do not recollect how many.

Correspondence
respecting
Mr. Whiteher.

58. Did more than one make you such propositions?—Yes, I think there might be more than one.
59. Did more than two make you such propositions?—I cannot tell, as I thought nothing of such propositions, not intending to retain any part of their fees.
60. Have you a book in which are entered in detail the accounts with your bailiffs employed since your accession to office?—I have not.
61. How then can you come to a settlement with them?—Because we generally keep our accounts nearly square, and I can refer to the returns of the bailiffs.
62. How do you know whether your accounts are balanced between you and your bailiffs?—From recollection, and by reference to the returns; and I dare say there are some of the returns that cannot be found. I could shorten this inquiry by a settlement with my bailiffs.
63. You say it is probable that some returns are lost; how do you account for this loss?—I do not think it essential to keep all the bailiffs' returns, particularly in cases where the parties have settled.
64. What become of such returns which are lost?—In some cases the bailiff writes to me that the parties have settled.
65. State the names of the bailiffs who made you such propositions?—I think Messrs. John Adam Brooks and John Chamberlin, and perhaps half a dozen other bailiffs. (The witness wishes to substitute the word "some" for the words "half a dozen.")
66. Please to state the names of such other bailiffs?—I do not recollect their names; and I would also venture to state, to the best of my recollection, the names of Amos Fox, Samuel Mallory, John Foster Dresser, W. Wells, T. C. Butler, Hiram Moe, John Johnson, Ineris Bullock and J. Ball.
67. About how many bailiffs have been employed by you since your accession to office?—There may be about 12.
68. When the parties come to a settlement, do not the bailiffs send in to you their returns?—Not always.
69. What becomes of the other returns which are lost, besides those in which the bailiffs write to you that the parties have come to a settlement?—I generally put them up in bundles, and I do not know that they are lost, though it is probable they are.
70. How do you account for the probability of the loss of such returns?—Because I did not think their preservation was of any consequence.
71. Have you destroyed them?—Not to my knowledge.
72. What makes you think that it is probable they are lost?—Because I did not think they required any particular care, for in some cases the advocate would say the case is settled.
73. Some returns being lost, how will you be able to come to a settlement with your bailiffs as it respects such returns?—If they are lost I must submit to the charge of the bailiffs if they make any claim; the probability is that the parties have paid them.
74. Have you attended the circuit courts, and why did you do so?—I have, since the statute appointing the holding of such circuits, except the last general circuit, and I did so from my receiving an intimation from the judge, that he expected I should do so. I did not attend the last general circuit because the judge relieved me from my attendance. I made an application to government a short time previous to the last general circuit, for payment of my expenses on the circuits, and I received for answer that they declined paying without explanation, the sheriff's in the other districts not attending circuits; and the judge intimated to me that these were circuits of the provincial court itself, whereas the other circuits were circuits in the inferior term; and he added that he would reply to government on his receiving any communication directly to himself on the subject.
75. Does the statute require your attendance at such circuit?—Not in direct words.
76. What is the sum you charge to government for such expenses?—I think about 40*l.* since the establishment of the circuits.
77. Have you ever received any thing, and what sum, for such expenses?—I have not.
78. For what reasons does the judge desire you to attend the circuit?—The judge never assigned any reason to me; but I believe that he considered that the court would not be complete if I were not there.
79. What is the name of the only bailiff with whom you have settled, according to your own statement?—Hiram Moe.
80. Did you pay, on settlement, Hiram Moe the balance due him?—I gave him my note for the balance.
81. How many times have you given the first bid on any sale made by you as sheriff, in order to give the start to other bidders?—I do not recollect having ever done so.
82. For what reason did you add, in answer to the 36th question, "unless the mere setting up of the property may be deemed as coming under this question?"—I had no reason, it was a mere observation, because I recollect no instance.
83. Do you ever serve writs of summons yourself, and how often?—I think I have, but not very often.

APPENDIX.

(No. 1.)

Correspondence
respecting
Mr. Whitcher.

Province of Lower Canada, District of St. Francis. King's Bench. Sheriff's Tariff.

First class above 100*l.*

For the service of a writ of summons upon one defendant in actions of the first class, including every duty to be performed by the sheriff or others in his behalf, and every allowance to be made in or for such service and the return, mileage excepted	£. s. d. - 10 -
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Second class above 30*l.* and under 100*l.*

For the like service of a writ of summons in actions of the second class, including as above, and mileage excepted as above	- 8 4
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Third class above 20*l.* sterling, and under 30*l.* currency.

For the like service of a writ of summons in actions of the third class, including as above, and mileage excepted as above	- 6 8
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Fourth class above 10*l.* currency, and under 20*l.* sterling.

For the like service of a writ of summons in actions of the fourth class, including as above, and mileage excepted as above	- 5 -
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For the like service of every such writ of summons upon every additional defendant in actions of the first class, including as above, and mileage excepted as above	- 5 -
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For the like service of every such writ of summons upon every additional defendant in actions of the second class, including as above, and mileage excepted as above	- 4 2
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For the like service of every such writ of summons upon every additional defendant in actions of the third class, including as above, and mileage excepted as above	- 3 4
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For the like service of every such writ of summons upon every additional defendant in actions of the fourth class, including as above, and mileage excepted as above	- 2 6
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For every service of every writ of <i>capias ad respondendum</i> , including every duty to be performed by the sheriff, or others on his behalf, and every allowance to be made in or for such service and the return, mileage excepted	- 11 8
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For the service of every writ of attachment or <i>arrêt simple</i> , if upon one defendant only, including every duty to be performed by the sheriff, or others on his behalf, in or for such service, mileage and the expenses of detaining the thing or things seized in the charge of the sheriff excepted	- 10 -
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For the like service of every writ of attachment, or <i>arrêt simple</i> upon every additional defendant, mileage excepted as above	- 3 4
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For the service of every writ of attachment by seizure (<i>saisie arrêt</i>) upon one defendant, including every duty to be performed by the sheriff, or others on his behalf, in or for such service and the return, mileage excepted as above	- 8 4
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For the like service of such writ of attachment by seizure (<i>saisie arrêt</i>) upon any additional defendant, mileage excepted as above	- 4 2
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For the service of writ of <i>saisie gagerie</i> upon one defendant, including every duty to be performed by the sheriff, or others on his behalf, in and for such service and the return, mileage excepted as above	- 11 8
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For a bail bond	- 6 8
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For the assignment of a bail bond	- 3 4
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For summoning a jury, returning a writ of <i>venire facias</i> , including all charges incidental thereto, and the return	1 - -
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For attending a jury by himself, or by deputy, if they retire	- 2 6
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For every return of <i>non est inventus</i> or <i>nulla bona</i> on mesne process, or on a writ of execution	- 3 4
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For the execution of every writ of possession, including every duty to be performed by the sheriff, and others on his behalf, and for every such service and the return, mileage excepted as above	- 11 8
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For the execution of every order for the delivery of goods seized, or the discharge of a prisoner	- 3 4
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For the entry of every opposition	- 5 -
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For the return on a <i>feri facias</i> when sales have been prevented by opposition <i>afin de distraire</i> , or <i>afin d'annuler</i>	- 3 4
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For every deed of sale of immoveable estate, when the consideration does not exceed 30 <i>l.</i> , including the registry of the deeds in the sheriff's office	1 - -
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For the like where the consideration exceeds 30 <i>l.</i> , including the registry as above	1 10 -
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The mileage to be allowed to the sheriff in all cases of duty executed within the limits of the district of St. Francis, if such duty be executed by himself personally, or if not, to the sheriff's

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sheriff's deputy by whom it shall be executed, and be calculated upon the distance between the residence of the sheriff's deputy in the township in which the duty shall be performed, per league out, and per league in, each 1s.

(A true copy.)

William Bell, P. K. B.

(No. 2.)

Province of Lower Canada, District of St. Francis. In the King's Bench.

3d September 1831.

Present—The Hon. Mr. Justice Kerr; the Hon. Mr. Justice Vallières de St. Réal; the Hon. Mr. Justice Fletcher.

Ordered, that from and after the last day of this term, the sheriff of this district shall be allowed the following fees and emoluments:—

	Currency.
For a procès verbal of seizure of goods and chattels under a writ of execution	£. — 3 4
For every necessary copy of such procès verbal	— 1 6
For the commandment and service of goods upon an execution	— 5 —
For every return upon a writ of execution when the seizure has been prevented by violence or resistance, or where after seizure the sale has been prevented by the saisissant, or by the resistance of the saisie, or default of the guardian, or by opposition	— 3 4
Upon every arrest of a person, or seizure of goods, the sheriff shall be allowed his necessary disbursements, to be certified upon oath by the sheriff or his deputy, and taxed by a judge of this court.	

By the Court,
(A true copy.)

William Bell, P. K. B.

(No. 3.)

TARIFF of FEES allowed to the Sheriff's Office in the District of St. Francis.

	Third Class, above 20 l. under 30 l.		Second Class, above 30 l. under 100 l.		First Class, above 100 l.	
	s.	d.	s.	d.	s.	d.
For the service of every writ of summons	-	-	-	-	8	4
For every Opposition filed	5	-	-	-	4	2
For the service of every writ of capias ad respondendum	23	4			10	-
For the service of every writ of arrêt simple, attachment, or gagerie, on one defendant	20	-			5	-
For ditto, ditto on every additional defendant	8	4				
For every writ of attachment, saisie arrêt	11	8				
For executing a bail bond	5	-	7	6		
For every return of nulla bona, or writ of execution	5	-				
For the assignment of a bail bond	5	-	2	6		
For executing a writ of possession	30	-				
For an order to re-deliver goods attached, or to discharge a prisoner	3	4				
For the return of a fieri facias, when sales have been prevented by opposition or distraint, or annulled	5	-				
For the seizure of lands advertised in Gazette, &c.	23	4				
For every deed or sale, when the consideration is under 100 l.	30	-				
For every deed of sale, when above 100 l.	46	8				
For mileage, to be allowed in all cases of duty executed without the village of Sherbrooke, per mile, out and in	-	8				

(signed) *Edw. Bowen.*
Vallières de St. Réal.

The above is the paper mentioned and referred to in the affidavit of William Seaton, sworn before me this 16th day of October 1835.

(signed) *J. Fletcher, P. J.*

[Affidavit annexed to the preceding Tariff.]

Correspondence
respecting
Mr. Whitcher.

Province of Lower Canada, } In the King's Bench.
District of St. Francis.

William Seaton, of that part of the township of Orford, known as the village of Sherbrooke, being duly sworn upon the Holy Evangelists of Almighty God, deposes and saith, that to the best of his knowledge and belief, the annexed paper, which purports to be a tariff of fees allowed to the sheriff's office in the district of St. Francis, is a true copy of a tariff made by the Honourable the Court of King's Bench for this district, and bearing the signatures of the Honourable Mr. Justice Bowen and Mr. Vallières de St. Réal respectively, and which said tariff was compiled and directed by the said court to be used in future, as the tariff of the said court, with respect to the proceedings and fees therein mentioned, during the term of the said court, in the months of August and September 1834. And this deponent further saith, that he is enabled to make this affidavit with the more certainty, having been, at the time of the making of the said tariff, a clerk to Charles Bridgman Felton, Esquire, then prothonotary of this Honourable Court, and having himself made the said copy, which is in this deponent's own hand-writing, for the use of Charles Whitcher, Esquire, the sheriff of the said district, from the original which was then remaining of record in this court. And this deponent further saith, that he finds, on a diligent search in the office of the said prothonotary, that the said original record of the said tariff, from which such copy was made by him, this deponent, is at present lost or mislaid, and the same not having been entered in the book of general rules, or in any of the other registers of this Court, and the present prothonotary therefore not considering himself as authorised or warranted to make out an office copy thereof, he, this deponent, has consented, at the instance of the said sheriff, to make this affidavit, in order that the honourable the provincial judge may be enabled, on the taxation of such bills of costs as may be brought to him for taxation during the present vacation, to pay such attention thereto as he may think fit, under the circumstances before stated.

(A true copy.)

William Bell, P. K. B.

(No. 4.)

Province of Lower Canada, } King's Bench.
District of St. Francis.

29th August 1833.

Present:—The Hon. Mr. Justice Bowen; the Hon. Mr. Justice Vallières de St. Réal.

THE court considering that by the provincial statute in such case made and provided, the sheriff is directed to summon jurors in civil matters, within the distance of seven leagues from the court house in the village of Sherbrooke. It is ordered that from henceforth the sheriff of this district shall be allowed 1s. for the summoning of each and every juror in any civil action or suit, and shall also be allowed mileage in the summoning of each and every such juror at the rate allowed him in the service of process *ad respondendum* returnable in this court.

Provided always that the amount of such mileage shall in every case be certified by the prothonotary upon the list of jurors. And regard being had to the distance *bonâ fide* to be travelled for summoning jurors, and the sheriff shall not be bound or compelled to summon the jury until the party prosecuting the execution of the writ of *venire facias* shall have deposited with such sheriff a sum of money equal to the full amount of his allowance for summoning such jury, and the mileage so certified as aforesaid. And provided further, that the certificate of the prothonotary shall not be final or conclusive, but in case of contestation the mileage so by him certified shall be subject to taxation after judgment according to the course and practice of this court. *

By the court,
(A true copy.)

William Bell, P. K. B.

(No. 5.)

Province of Lower Canada, } In the King's Bench.
District of St. Francis.

29th August 1833.

Present:—The Hon. Mr. Justice Bowen; the Hon. Mr. Justice Vallières de St. Réal.

It is ordered, that from henceforth the sheriff of this district be at liberty, in the service of all process *ad respondendum* issuing from or under the authority of this court against parties residing more than 10 miles from the court house of this district of St. Francis, to employ such bailiff as he shall see fit, and to charge in his disbursement the ordinary mileage thereon, notwithstanding that any other bailiff or bailiffs may happen to reside nearer to the domicile of such parties than the bailiff so employed, unless the party suing out such

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Mr. Whitcher.

process *ad respondendum* prefer to cause the same to be served at his own diligence on giving to the sheriff a discharge in writing from all responsibility touching the same.

By the court,
(A true copy)

Wm. Bell, P. K. B.

(No. 6.)

General Rule, 7th March 1835.

It is ordered, that from and after the making of this rule, whenever the sheriff or coroner shall have sold and adjudged two or more lands, tenements or immoveables to one and the same *adjudicataire* on one day, and in virtue of the same writ or writs of execution, it shall be in the choice and option of the *adjudicataire* to take from the sheriff or coroner, one act or deed of sale for all and every the lands, tenements or immoveables so sold and adjudged, or separate acts or deeds of sale for each or any of the said lands, tenements or immoveables. And the sheriff and coroner are severally permitted to ask and receive for all fees of office, for and upon every act or deed of all that shall be by either of them made and delivered, at the rate of 25s. for the first lot, and 5s. for every other lot or immoveable designated and conveyed in and by such act or deed of sale, and no more.

By the court,
(A true copy)

Wm. Bell, P. K. B.

(No. 7.)

AMOUNT charged by Moses Nichols, esq., for medical attendance at the gaol at Sherbrooke, in the district of Saint Francis, from the 10th October 1830 to 10th October 1835.

To 10th October 1831, no charge.		£.	s.	d.	£.	s.	d.
To visits, medicine and attendance for Robert Standish, a prisoner in the gaol at Sherbrooke	- - - - -	2	10	9			
To visits, medicine, &c. for Henry Pease, a prisoner in the gaol at Sherbrooke	- - - - -	1	2	6			
To visits, medicine and advice for samuel Pease, a prisoner in the gaol at Sherbrooke	- - - - -	-	3	9			
To visits, medicine and attendance upon Peggy Standish, a prisoner in the gaol at Sherbrooke	- - - - -	1	8	-			
To visits, medicine and attendance upon John Z. Corbitt, a prisoner in the gaol at Sherbrooke, from the 7th December 1831 to April 1832	- - - - -	7	10	-			
Half-year ending 10th April 1832				- - -	12	15	-
To visits and medicine for Harry Sharp, a prisoner in the gaol	- - - - -	3	19	9			
To visits, medicine, &c. for John Z. Corbitt, a prisoner in the gaol	- - - - -	3	12	-			
Half-year ending 10th October 1832				- - -	7	11	9
To visits, medicine, &c. upon John Camsky, a prisoner in the gaol of said district	- - - - -	1	17	6			
To visits and medical attendance upon Thomas Pool, a prisoner in the gaol of said district	- - - - -	5	7	6			
To visits and medical attendance upon John Parslow, a prisoner in the gaol of said district	- - - - -	1	7	6			
To medical attendance upon James Rider, a prisoner in the gaol of said district	- - - - -	-	16	6			
To medical attendance upon John Vanhassen, a prisoner in the gaol of said district	- - - - -	1	7	-			
To medical attendance upon John Gilman, a prisoner in the gaol of said district	- - - - -	1	2	6			
To medical attendance upon Moses F. Wright, a prisoner in the gaol of said district	- - - - -	-	15	-			
Half-year ending 10th April 1833				- - -	12	13	6
To medical attendance upon Daniel Sprague, a prisoner in the gaol of said district	- - - - -	-	17	6			
To medical attendance upon John House, a prisoner in the gaol of said district	- - - - -	1	10	-			
To medical attendance upon Southmage, a prisoner in the gaol of said district	- - - - -	1	2	6			
To medical attendance upon Nathaniel Hollister, a prisoner in the gaol of said district	- - - - -	2	16	3			
To medical attendance upon Harry Hollister, a prisoner in the gaol of said district	- - - - -	-	5	-			
To medical attendance upon John Gilman, a prisoner in the gaol of said district	- - - - -	1	2	6			
To medical attendance upon Isaac Hill, a prisoner in the gaol of said district	- - - - -	-	17	6			
To medical attendance upon Wm. M'Neal, a prisoner in the gaol of said district	- - - - -	1	2	6			

To medical attendance upon Jeremiah Lyford, a prisoner in the gaol of said district - - - - -	- 17 6	
To medical attendance upon Sylvester Cleveland, a prisoner in the gaol of said district - - - - -	1 2 6	
To medical attendance upon Richard Baldwin, a prisoner in the gaol of said district - - - - -	- 17 6	
To medical attendance upon Reuben Hill, a prisoner in the gaol of said district - - - - -	2 7 6	
To medical attendance upon Leonard Elms, a prisoner in the gaol of said district - - - - -	8 12 6	
To medical attendance upon Robert Marsh, a prisoner in the gaol of said district - - - - -	- 10 -	
Half-year ending 10th October 1833 - - - - -		24 1 3
To medical attendance upon Leonard Elms, a prisoner in the gaol of said district - - - - -	6 2 6	
To medical attendance upon John Murphy, a prisoner in the gaol of said district - - - - -	7 7 6	
To medical attendance upon William Wallace, a prisoner in the gaol of said district - - - - -	3 7 6	
Half-year ending 10th April 1834 - - - - -		16 17 6
No charge half-year ending 10th October 1834.		
To medical attendance upon Nathaniel Vial, a prisoner in the gaol of said district - - - - -	3 19 6	
To medical attendance upon Owen Cully, a prisoner in said gaol - - - - -	6 7 -	
To medical attendance upon Forbes Daine, a prisoner in said gaol - - - - -	2 13 9	
To medical attendance upon John Parslow, a prisoner - - - - -	2 3 9	
To medical attendance upon Alexander Burns, prisoner - - - - -	1 10 -	
Half-year, ending 10th April 1835 - - - - -		16 14 -
To medical attendance upon Forbes Daine, a prisoner in gaol - - - - -	- 7 6	
To medicine and attendance upon Alexander Burns, a prisoner in gaol - - - - -	2 - 3	
To medicine and attendance for John Coody, a prisoner in the gaol - - - - -	6 6 3	
To medicine and attendance upon Patrick Ivers, a prisoner in the gaol - - - - -	- 10 -	
To medicine and attendance upon Anthony Welsh, a prisoner in the gaol - - - - -	1 5 -	
Half-year ending 10th October 1835 - - - - -		10 9 -
TOTAL amount - - - - - £.		101 2 -

Correspondence
respecting
Mr. Whitcher.

The original accounts having been forwarded to the government, and consequently now out of my possession, I am unable to compare them.

Charles Whitcher, Sheriff.

— No. 3. —

Enclosure to Duplicate Despatch from the Earl of Gosford, dated 9th September 1836.

House of Assembly, Thursday, 3d March 1836.

RESOLVED, That Charles Whitcher, esq., sheriff of the district of St. Francis, has not, since his appointment to that office, kept an open office, wherein he has regularly attended for the discharge of his duty as sheriff of said district.

Resolved, That the said Charles Whitcher, esq. has availed himself of his official power as sheriff of said district, designedly, illegally and corruptly to extort from bailiffs, his inferior officers, sums of money allowed and belonging to them, and that to the prejudice of the administration of justice and of the rights and interests of His Majesty's faithful subjects in this province.

Resolved, That the said Charles Whitcher, esq. is, in consequence, unfit to continue to hold the office of sheriff of the district of St. Francis, and that the said Charles Whitcher, esq., sheriff as aforesaid, ought to be removed from his said office, and from all other offices of honour or profit which he may hold under the Crown in this province.

Resolved, That an humble address be presented to his Excellency the Governor-in-chief, with a copy of the report of the special committee to whom was referred the petition of divers inhabitants of the district of St. Francis, complaining of Charles Whitcher, esq., sheriff of the said district, and evidence thereto annexed, praying his Excellency to take immediate steps to remove the said Charles Whitcher, esq., from the office of sheriff of the

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district of St. Francis, and from all other offices of honour or profit which he may hold under the Crown in this province.

Ordered, That Mr. Child, Mr. Toomy, Mr. Huot and Mr. Charles Drolet do present the said address to his Excellency the Governor-in-chief.

Attest. (signed) *E. B. Lindsay*, Clerk Assisting.

— No. 4. —

Enclosure to Duplicate Despatch from the Earl of *Gosford*, dated 9th Sept. 1836.

Gentlemen,

Castle St. Lewis, Quebec, 9th March 1836.

I REQUEST you to inform the House of Assembly, in answer to this Address, that as soon as Mr. Sheriff Whitcher shall have furnished such defence as he may have to make to the accusations preferred against him in the accompanying report and resolutions, I shall adopt such measures as his case may demand.

(signed) *Gosford*.

— No. 5. —

To His Excellency the Right Hon. *Archibald* Earl of *Gosford*, Baron Worlingham, of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower and Upper Canada, &c. &c.

May it please your Excellency,

HAVING received (through the civil secretary) your Excellency's commands to make "such defence as I should think proper to an address of the House of Assembly to your Lordship, requiring my removal from the office of sheriff of the district of St. Francis," I beg leave to submit to your Lordship a statement in answer to the several allegations contained in the report of the committee of the Assembly, upon which the address was founded, together with such documents as appeared to me necessary to explain or contradict the various charges therein contained. These documents I have from time to time referred to by number, to bear me out in the statements which I have now the honour of submitting to your Lordship.

I proceed, my Lord, to notice the first paragraph of the report, which, after stating that "the committee have carefully inquired into the complaints set forth in the petition" against me, goes on to observe, "That the committee have called witnesses from the district of St. Francis, whose residence, being near the court, and most of them advocates and bailiffs of that district, render them very competent to give correct testimony on the aforesaid petition." In answer to this I beg to observe, that I fully admit that no persons can be more competent to give correct testimony as to my public character and conduct, than the advocates practising within the district; but it is a fact worthy of particular observation, and to which I beg respectfully to call your Lordship's attention, that though there are 11 barristers resident and practising in the district of St. Francis, two only have been examined as witnesses before the committee; and as the testimony of gentlemen whose profession brings them into daily communication with me must be considered of some importance, I beg leave to offer a few remarks upon the character of the testimony given by these gentlemen. It cannot fail to be noticed, that the evidence given by Edward Short, esq., as printed and annexed to the report, does not contain a single allegation prejudicial to my public character or conduct. In answer to five most important questions submitted to him, viz. numbers 42, 44, 45, 51 and 52, he has distinctly stated, that he has no personal knowledge on the subject of those questions; and that, though there are allusions in that gentleman's answers to what was matter of report, I am authorized by him to say, that at the time those answers were given, questions had been submitted to him as to what he had heard reported, which questions do not appear printed; and I am further authorized by him to say, that he, at the time of giving these answers, stated to the committee, that they could not be considered by any court of justice as evidence of a fact. Having noticed thus briefly the testimony of this gentleman, I pass on to the evidence given by George Kimball, esq., perhaps the most important of any offered to the committee. I cannot but regret that I am compelled to notice the gross personal allusions, the anxious desire to distort facts, and the total disregard to truth evinced throughout the testimony of this gentleman, in a manner which may savour somewhat of severity; but I beg to remark to your Lordship, that I am compelled to adopt this course in self defence. It will be seen by reference to three affidavits accompanying this defence, and marked respectively No. 1, that there existed, on the part of Mr. Kimball, a strong desire to injure my character and reputation, and also a desire to procure evidence against me, which would appear totally incompatible with the idea with his giving fair and impartial testimony before the committee, more particularly when not under the solemn obligation of an oath. That he was guilty of gross and wilful falsehood will appear by reference to the affidavits of Samuel Mallory and Patrick Read, marked respectively No. 1, wherein conversations that he alleged to have held with them, are (under oath) totally denied; facts that he stated to have been communicated by them to him are positively contradicted. It will also be seen, by reference to the affidavit of Nelson

Hill, marked No. 1, that he was active in endeavouring to procure evidence against me, and by the whole of these affidavits, that he made personal applications to those persons to make complaints against me. I cannot but think, my Lord, when these facts are taken in connexion with the bias evident in his answers to questions No. 3, 26, 16, 17 and 18, (in the printed evidence) with my own positive denial of the conversation he asserts he held with me, and the gross prevarication evident in several of his answers, particularly in answers 5, 16 and 26, that the whole of his evidence will be considered as totally unworthy of credit, and will not be for a moment allowed to weigh against statements showing its falsehood, made by respectable persons under oath.

Another also of the witnesses, Mr. Isaac R. Gavin, is contradicted in a charge of neglect and partiality which he has made against me, by the evidence of Mr. Samuel Mallory, as contained in his answer to question No. 123 in the printed copy of the evidence; and as to the general character of this witness's testimony, I beg to refer to his answer to question No. 55, wherein he states that through my negligence or misconduct he had never been paid the debt, alluding to a debt due to him by the then prothonotary of the district, Charles Felton, Esq., and in which execution had been levied, "nor did he expect to get anything, Mr. Felton having left the country." To prove the total falsehood of this assertion, I beg to refer to a certified copy of his own receipt, marked No. 2, remaining among the records of the court at Sherbrooke, and also to state that there has been a second sale of Mr. C. Felton's property in the same suit.

The partiality which it was alleged was shown by me at a sheriffs' sale, and to which Mr. Levi Spalding bears testimony, is the evidence of an interested party, and as such ought to be received with caution, the more particularly when certificates of impartiality have been forwarded to me from C. F. Goodhue and P. Baxter, Esqs., both large proprietors in the district, and present at the sale; these certificates accompany this defence, and are marked respectively No. 4.

Another of the witnesses examined (Mr. John Chamberlin), is proved by the affidavit of Mr. Mallory, marked No. 5, to have been guilty of a gross breach of duty while acting as my bailiff, and he was suspended by me for his misconduct. It can therefore hardly be supposed that his testimony is strictly impartial, and upon an examination of his evidence it will be found to be strongly and markedly opposed to a very great number of certificates which are forwarded herewith.

In fact, the major part of the evidence is founded upon what the witnesses call common report; they themselves repeatedly admitting that they have no personal knowledge of the subjects they are questioned upon, when positive evidence of misconduct, if any such had existed, might have been easily procured. The evidence is taken without the obligation of an oath, while affidavits are brought forward by me to contradict the most important parts of it; much of it is given with gross and apparent prejudice, and the whole of the testimony adduced is of such a vague and contradictory nature, as would render it totally inadmissible in any court of justice in the world.

The first charge against me is, that I have not since my appointment to the situation which I hold kept an open office, "whereby it is alleged the members of the bar, the bailiffs and the public have been much inconvenienced." To answer this charge it will be necessary to refer to the presentment of the grand jury for the general sessions of the peace held in October last (a copy of which is forwarded herewith, marked No. 6), by which presentment it will be seen that the state of the sheriff's office is such, that it is impossible for any one to sit in it during any length of time, owing to its dilapidated state; the same fact will also appear by reference to two certificates (marked also No. 6), being the one by the keeper of the court-house, the other by a gentleman who has acted as clerk to the prothonotaries of the district during seven years; and by any reference to the honourable the Judges who have at various times attended the sittings of the Court of King's Bench held at Sherbrooke. It will also be seen by a reference to a certificate of the prothonotary, and also to that of Mr. Seaton (both marked No. 6), that there did not exist that necessity for an office constantly open as in other districts, where the business is much greater, and where a strict attention to hours is required, instead of the system of mutual accommodation which has hitherto prevailed in the district of St. Francis. What has been the degree of practical inconvenience arising to the members of the bar from my not having kept such open office will be seen by the fact, that out of 11 gentlemen practising in the district, I am enabled to forward certificates from eight, that no inconvenience has resulted to them from the practice; and a stronger and a more convincing proof cannot be offered, since the advocates are on all occasions the medium through whom process is sued out, and are therefore the parties most likely to be inconvenienced by the negligence or carelessness of a sheriff in the discharge of his official duties. Again, it does not appear that any of the witnesses could cite a single case where any injury or delay had resulted to them or to their clients during the period of 12 years that I have held the office of sheriff, from the fact above mentioned, and though several of them were asked by the committee of the Assembly to recollect some case, they were unable to cite a single instance, but were obliged to confine their information to general assertions.

I trust I may be allowed to remark, my Lord, that the dissatisfaction alleged to be felt by the public at large will scarcely be considered as proved by the fact, that in spite of great exertions being made to procure signatures to the petition presented against me (a person travelling throughout the district for that especial purpose), it was signed by less than 50 persons in a district containing a population of upwards of 40,000 inhabitants; and I think I am warranted in remarking, that if reference were made to that petition, it would

Correspondence
respecting
Mr. Whitcher.

be found that few, if any, of its signers had ever transacted any official business with me, or knew anything of the manner in which I discharged my duties.

The next charge in the report is, that I was in the habit of receiving for my own use one-third part of my bailiffs' fees, and that I refused to employ them as bailiffs unless they agreed to such deduction from their fees. In answer to the former part of this charge, I beg to observe that upon being appointed to the office which I hold, I conceived that I had an undoubted right to execute process addressed to me either personally or by such deputies as I thought proper to appoint, being myself responsible to the authorities and to the public for the faithful discharge of my duties. As a matter of accommodation to the public rather than to myself, I have appointed bailiffs in different sections of the country; but as the amount of security which in most cases they are able to offer was not, and is not, sufficient to cover any loss I may sustain by their negligence or misconduct, I conceived I was acting legally in arranging with several of them for the deduction of one-third part of their fees, and in so doing I followed what I then believed to be the practice in other districts; and I think it will be found upon reference to the sheriffs of other districts, that a practice of a similar nature obtains at this time, they taking upon themselves all the responsibility and emoluments of services, and making their own private arrangements with the bailiffs or deputies who perform those services for them; nor has the practice ever been made subject matter of complaint against them. A suggestion, however, having been thrown out by the Court of King's Bench held in the district three years since, that this practice was liable to misconstruction, I not only told those bailiffs whom I employed, that I should in future discontinue the deduction, but desired them to charge me with all the sums that I had formerly deducted, and have settled with them under this arrangement. And in proof of what is now the practice (and which practice has obtained for some years past), I beg to refer to 11 affidavits marked respectively No. 8, all of which are made by bailiffs acting as such in the district of St. Francis; and those affidavits contain a complete refutation of the assertion contained in the latter part of this paragraph of the report, that "I do not employ bailiffs who will not give up to me a third part of their fees;" and with respect to the bailiff who it is alleged I struck from my list in consequence of his refusal to accede to my request for such deduction, it will be seen by reference to the affidavit of Mr. Mallory (marked No. 5), that my reason for so doing was his own gross misconduct as a bailiff; in support also of this part of the defence, I beg to refer to four certificates of bailiffs, marked No. 9.

The next charge against me is, "That I employed a young man, then under age, to serve summonses and sheriff's process by the day;" the first part of this charge (if it can be considered as a charge), is completely contradicted by the affidavit of the person referred to (forwarded herewith and marked No. 10), wherein he states that he several times stated to the gentlemen of the committee (upon questions submitted to him as to his age) that he was of age at the time of his being so employed by me. As to the right of a sheriff to summon jurors by deputy it is undoubted, and equally so is his right to employ whom he pleases for that purpose, he being responsible to the authorities and to the public for the acts of his deputy; it is sanctioned by every day practice, it has been declared legal by the judges; and, as a matter of reason, it cannot be doubted that since all the responsibility of service rests upon the sheriff, it would be an act of the grossest injustice to deprive him of the right of selecting those whom he thought most fitting for the duty, and allowing them that remuneration which both parties conceived adequate for the service; neither was the remuneration in the particular case referred to inadequate. Mr. Moe received, besides a dollar a day, his travelling expenses, which amounted to 6s. 3d. a day, and was found a horse by me; which fact, though stated by him to the committee, neither appears in the printed report nor in the evidence.

It is next mentioned as "worthy of particular notice that I called upon many of my bailiffs during the past winter, and urged them to an adjustment of their accounts, lest they should be called to Quebec as witnesses against me;" this being an assertion not borne out by evidence, but in which my motives are called in question, from a particular act, the answer to it must, of course, rest on my personal testimony; the following is an explanation of the circumstance referred to: from certain questions put to me by members of a committee of the Assembly before whom I was examined as a witness during the last session, I was led to believe that an impression existed in the committee that I was largely indebted to my bailiffs. I thought proper, upon my return to Sherbrooke, to call upon each of them for their accounts; and whenever I found a debt existed, I immediately paid it, as I should at any other time upon a general settlement of accounts. And the sums so paid by me were in pursuance of the instructions I had given my bailiffs three years since, to charge all fees in full and the difference that had formerly been deducted. I found, as I expected, the amount which I owed them trifling, and I cannot conceive that a desire to remove an erroneous impression by settling accounts with my bailiffs, will be for a moment considered as subject matter of accusation, after the explanation here given.

With respect to the evidence given by me before the "Committee on the fees of the several officers of the courts of justice in the province," and upon which great stress is laid in the report, I beg to observe that at the time of my giving my evidence I was labouring under severe indisposition, and that from the manner and conversational tone assumed by the members of the committee, I could not have been aware that portions only of my answers would be printed, and those parts only which involve apparent contradictions. Being asked whether "I received to my own use any part of my bailiffs' fees," it will be found I answered "I do not;" but previously to giving the answer stated, that "I scarcely knew how to answer this question without entering into an explanation of what had been
and

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Mr. Whitcher.

and what was the practice." I was told to give a definitive answer, and I replied with reference to the existing practice; this remark also applies to all the questions of a similar nature in the printed copy of the evidence; it will also appear by an addition which, at my own desire, was made to my answer to the 25th question put to me, and to prove in a still stronger manner, what is the practice and the correctness of the answer given by me, I again refer to the affidavits marked No. 8, and to the statements made by me in another part of this defence; the explanation afforded by this addition to my answer referred to, and by the present statement, could have been given at the time of putting the question, had I been allowed to enter into such explanation, instead of being called upon to answer by a simple affirmative or negative.

From this statement, my Lord, a statement substantiated in all its most important points by clear and conclusive evidence contained in a number of certificates and statements under oath, I cannot but think that the particular charges set forth in the report are completely refuted; and as it is necessary, from the conclusion of that report, to refer to my general character and conduct as sheriff, I would respectfully call your Lordship's attention to the certificates furnished me by the members of the bar, by the chairmen of sessions and magistrates (marked No. 11), and to the general certificates of some of the oldest and most respectable inhabitants of the district; these certificates are marked No. 12, and will, upon examination, be found to contain the names of large proprietors, and persons, the nature of whose pursuits and whose wealth bring them into business with me, and many of them will be found to be persons acting as magistrates in the district; and above all, I beg to call your Lordship's attention to the fact that there has not been a single case cited by the witnesses before the Assembly, neither can a single instance be shown, in which injury has resulted to suitors in the court from negligence of the duties of my office during a period of 12 years. I have shown that the character of the evidence given before the committee of the Assembly was such as would have rendered it totally inadmissible in any court of justice. Interested and prejudiced persons were allowed to give testimony; individuals were called to give evidence as to common report (more particularly as to my mode of summoning jurors), when the jury lists of record might have been referred to, and would have been found to contain an ample refutation of the charge of partiality in selection. The dissatisfaction of the public is alleged upon false and frivolous grounds, and the assertions contained in the report are by no means borne out by the evidence taken before the committee, even if counter evidence had not been adduced.

Under all these circumstances, my Lord, I trust that the defence which I offer will be considered satisfactory. I desire nothing more than a fair and impartial examination of the various documents which I have been enabled to forward to your Lordship, and that they may be compared with the evidence given before the Assembly, to establish my complete innocence of the charges made against me. And I beg respectfully to assure your Lordship, that so long as I have the honour of holding my present office, I shall endeavour to discharge its duties as I have hitherto done, in the manner that I conceive to be the most calculated to advance the public interests, and to justify the confidence placed in me by His Majesty's Government.

Sherbrooke, 13 August 1836

I have, &c.
(signed) Charles Whitcher.

(Enclosure 1 to Mr. Whitcher's Defence.)

(1.)—AFFIDAVIT of *H. N. Hill*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Horatio Nelson Hill, being duly sworn upon the Holy Evangelists, deposeth and saith, that some time about the month of January last Mr. George Kimball, the advocate at Sherbrooke, came to my residence in Eaton, and inquired if I had done any business for the sheriff. I answered, that I had done none of any consequence, or but little, or to that effect. Mr. Kimball then inquired what business I had done; I told him I had served two or three subpoenas; he then asked if the sheriff had paid me; I told him no, as I made no return; he observed, that I ought to enter a complaint; I told him, in answer, that I had nothing in particular to complain of the sheriff. The said Kimball then spoke of there being a complaint against the sheriff; but I do not recollect exactly the conversation, further than he asked me, this deponent, if he might put my name on the list of witnesses to be called against the sheriff; I told him, no; that I had nothing to complain of, the sheriff having always treated me well; and further this deponent saith not.

(signed) Horatio N. Hill, Bailiff.

Sworn before me, at Ascot, this 26th day of May, 1836.

(signed) Tyler Spafford, jun. J.P.

Correspondence
respecting
Mr. Whitcher.

(2.)—AFFIDAVIT of *S. Mallory*, Bailiff.

Province of Lower Canada, District of St. Francis.

SAMUEL MALLORY, of the township of Ascott, in the district of St. Francis, one of the sworn bailiffs of the different courts in the said district, being duly sworn upon the Holy Evangelists of Almighty God, deposes and saith, that he has never, at any time, refused to execute any process that came into his hands, on account of any disagreement with the sheriff of the district on the subject of fees; nor has he ever stated to any person that the sheriff refused to employ him unless he gave up a third part of his fees to the said sheriff; nor has he ever requested any person to make a representation to the Court of King's Bench upon this subject. And this deponent further saith, that when the said sheriff called on this deponent during the past winter, to make a settlement of their accounts, he stated to this deponent, that his object in so coming to settle with him was, that it having been stated in Quebec that he was largely indebted to his bailiffs, and believing the contrary to be the case, he was anxious to ascertain precisely how he stood with this deponent as well as others. And this deponent further saith, that the sheriff of the district has not, at any period within the last three years, exacted or required any part of his fees. And further, this deponent saith not, and hath signed.

(signed) *Samuel Mallory.*

Sworn before me this 17th day of June 1836.

(signed) *J. Fletcher, Pr. J.*(3.)—AFFIDAVIT of *P. Read*, Gaoler.

Province of Lower Canada, District of St. Francis.

PATRICK READ, of the township of Orford, in the district of St. Francis, being duly sworn upon the Holy Evangelists, deposes and saith, that some time during the past winter, and previously to the leaving of George Kimball, Esq., also of the township of Orford, advocate, to appear (as this deponent believes) as a witness before the House of Assembly, he, this deponent, being the gaoler of the district gaol, was accosted on the road by the said George Kimball, who told him, that "he had been desired by a friend to ask him two or three questions," or words to that effect. He then proceeded to inquire of this deponent, whether the prisoners in the gaol had provisions enough, to which this deponent replied, "No;" and his meaning, in so replying, was, that he did not think the allowance made by law was sufficient; that upon the said George Kimball asking him, "How this happened?" he replied, "They have what the law allows them, and what the doctor orders, when any of them are sick." The said George Kimball then asked him several other questions respecting the management of the gaol, the wood for the prisoners, and finally, to the best of this deponent's recollection, asked him, "If he had any complaint to make," or words to that effect; to which this deponent answered, "No;" and the impression on this deponent's mind was and is, that the said questions were put with a view of procuring some information against the sheriff and his government of the gaol; and further this deponent saith not, and hath signed.

(signed) *Patrick Read.*

Sworn before me this 1st day of June 1836.

(signed) *M. Nichols, J.P.*(Enclosure 2 to Mr. *Whitcher's* Defence.)

Prothonotary's Certificate.

Province of Lower Canada, District of St. Francis.

No. 34.—In the King's Bench.

Isaac Robinson Gavin, Curator, Plaintiff, *v.* Charles Bridgman Felton, Defendant.

26th February 1834.

RECEIVED from Charles Whitcher, sheriff, during the sitting of the court, five pounds, the balance returned as above by the sheriff.

(signed) *Isaac R. Gavin.*

A true copy of the receipt upon the writ of execution filed in the above case.

(signed) *William Bell, P.K.B.*

Sherbrooke, 2d June 1836.

(Enclosure 4 to Mr. *Whitcher's* Defence.)Correspondence
respecting
Mr. *Whitcher*.(1.)—CERTIFICATE of *Portus Baxter*.

I, THE undersigned, certify that I was personally present at the sale of lands which took place at Sherbrooke, at the sheriff's office, on the _____ day of the month of 1836, in the cause *Peck v. Haskell and Baxter v. Haskell*, and that I became the purchaser of said lands, which are situated in the township of Stanstead, and were seized by the sheriff in that cause. That the sheriff could not possibly have conducted the sale with more impartiality than he then did, having at the request of the parties concerned, waited a long time after the sale had commenced, to afford them, the said parties, an opportunity of settling, if practicable, without proceeding to the adjudication of the property; and that the sheriff did, in my opinion, act most conscientiously, fairly and honourably towards all the parties on that occasion.

Sherbrooke, April 27, 1836.

(signed) *Portus Baxter*.(2.)—CERTIFICATE of *C. F. H. Goodhue*.

Province of Lower Canada, District of St. Francis.

THE undersigned has been a resident in the district of St. Francis from the period of the establishment of that district, and has been in the habit of attending the sittings of the different courts of justice held at Sherbrooke during that period; he is enabled to state that it has always appeared to him that the duties of the sheriff of the district of St. Francis were ably and satisfactorily discharged by Mr. *Whitcher*; that his attendance upon the courts is punctual, and that his conduct as a public officer has been in all respects correct, as far as the undersigned has any personal knowledge.

The undersigned also remembers attending the sale by the sheriff of the widow *Haskell's* property, and upon that occasion heard *Levi Spalding*, whom he understood to be the agent of *Mrs. Haskell*, state that he had not sufficient money to cover the amount of his bid. He also heard *Mrs. Haskell* (who was present and made the last bid), state that she had no money, and having been present at the final adjudication of the property, he is enabled to state that the proceedings throughout were fair and impartial, and that every disposition was shown by the sheriff to do justice to all parties, and to discharge faithfully the duty which devolved upon him in making the said sale.

Sherbrooke, May 27, 1836.

(signed) *C. F. H. Goodhue*.(Enclosure 5 to Mr. *Whitcher's* Defence.)AFFIDAVIT of *Samuel Mallory*, Bailiff.

Province of Lower Canada, District of St. Francis.

SAMUEL MALLORY, of the township of Ascot, in the district of St. Francis, bailiff, being duly sworn, deposes and saith, that some time in the winter of 1832, he, this deponent, received a warrant from *Charles Whitcher*, esquire, sheriff of the district, to execute a *capias ad respondendum*, which issued out of His Majesty's Court of King's Bench for this district, at the suit of one *John Cochran* against one *Richard Jenness*. That shortly before the receipt by this deponent of the said warrant, he, this deponent, had a conversation with one *John Chamberlin*, of the township of Stanstead, bailiff, in which the said *John Chamberlin* endeavoured to dissuade this deponent from undertaking the execution of the said *capias*, saying that he, the said *John Chamberlin*, would not execute the said *capias*, that the said *Richard Jenness* was an ugly fellow and would give some trouble; that if he, this deponent, should decline to execute the said *capias*, the sheriff would be under the necessity of doing it himself, and that should he, this deponent, consent to execute the said writ, he, the said *John Chamberlin*, and this deponent, should not be on the same friendly terms as they had been. That on the day succeeding the receipt of the said warrant, he, this deponent, in virtue thereof, arrested the said *Richard Jenness*, whereupon the said *Richard Jenness* complaining of being unwell, requested this deponent not to remove him, this said *Richard Jenness*, from the place where he was so arrested, and in order to induce this deponent to comply with his request, exhibited a letter to this deponent, which he said he had received the night before of a man hired to convey it to him, and which he said contained information of the steps taken to arrest him, as an assurance to him, this deponent, that he, the said *Richard Jenness*, had no desire to abscond from this province. That he, this deponent, did not peruse the said letter, and did not then inquire who was the author of it, but that he, this deponent, was afterwards given to understand by the said *Richard Jenness*, that the said *John Chamberlin* was the writer of the said letter, and was subsequently positively informed, by the said *Richard Jenness*, that the said *John Chamberlin* was the author of the said letter; and this deponent further saith not, and hath signed.

(signed) *Samuel Mallory*.

Sworn before me, at Sherbrooke, this 16th day of January 1834.

(signed) *David Moe, J. P.*

Correspondence
respecting
Mr. Whitcher.

(Enclosure 6 to Mr. *Whitcher's* Defence.)

(1.)—EXTRACT from a PRESENTMENT of the GRAND JURY of the District of *St. Francis*, in October 1836.

THAT the building, used as a court-house for the district, is absolutely and totally insufficient for the purpose, being insecure, very much out of repair, and, in fact, incapable of being put in such repair as shall render it a safe and fitting depository for the public records of the district. In addition to these evils it contains but one retiring room for both grand and petty jurors, and that room so situated, that the public at large can hear all that passes within it; there is no fitting chamber for the judges or magistrates, and none for the advocates; but they would more particularly point out the state of dilapidation in which they found the rooms used as offices by the prothonotary and sheriff, and allege the total impossibility of the public records being safe within them.

(2.)—CERTIFICATE of *Carey M. C. Hyndman*.

Province of Lower Canada, District of *St. Francis*.

Sherbrooke, 25 May 1836.

AT the request of Charles Whitcher, esq. sheriff of the aforesaid district, I, the undersigned, keeper of the court-house, and crier of His Majesty's courts of judicature of and for the said district, do hereby certify, that I have been the keeper of the court-house at Sherbrooke, in the then inferior and now district of *St. Francis*, since 1823; that during that time I have been personally acquainted with Charles Whitcher, esq. sheriff of said district; that I have never known the said Charles Whitcher, esq. to be absent from his duty as sheriff, without a regular deputy-sheriff for the time being in his place, so as to give the gentlemen of the bar, or the public generally, any reasonable grounds of complaint against him for neglect of duty, or keeping his office open and accessible during office hours, in term time or otherwise; and I further certify, that the want of funds, or from some other cause, the said court-house is now, and has been for several years, in a very dilapidated state, so much so, that if the business of the district required constant attendance in the sheriff's office, that the sheriff's life would be greatly in danger, as in rainy wet weather the floor of the sheriff's office, and the passage thereto, is constantly wet with down rain, and the stagnant water which lies under the building causes the floors of the offices to be constantly damp, particularly the sheriff's office. And I further certify, that I have every reason to believe that the evidence given before the honourable the House of Assembly, by one of the members of the Sherbrooke bar, has been greatly exaggerated, so far as regards the said sheriff's attendance at his office.

(signed) *Carey M. C. Hyndman*,
Keeper of the Court-House, District of *St. Francis*.

(3.)—CERTIFICATE of *William Seaton*.

THE undersigned has been a clerk employed by the late prothonotary of the district of *St. Francis* (*Charles B. Felton*, esq.), as well as by the present prothonotary, for the last eight years, during which period he has been absent 12 months. He is enabled to state, that during vacations the sheriff has seldom omitted a day (after going to his own office), to come and inquire at the office of the prothonotary whether fiats have been left for writs, or whether any writs had issued.

That it frequently happens that no writ requiring the service of the sheriff issues from the prothonotary's office during a week, and sometimes even for a month.

That the court-house for the district of *St. Francis* is in a most dilapidated state, and the office assigned to the sheriff more particularly so; from the rain which comes into the office, by the passage and through the roof, it is rendered very damp and unhealthy, and is not sufficiently large to admit of a stove with safety.

That it is a fact, within the knowledge of the undersigned, that the attendance of the sheriff during the sittings of the provincial court, the Courts of King's Bench and Quarter Sessions, is regular and unremitting.

Sherbrooke, 23 May 1836.

(signed) *William Seaton*.

(4.)—CERTIFICATE of *William Bell*.

Province of Lower Canada, District of *St. Francis*.

I HEREBY certify, that upon the application of Charles Whitcher, esq. sheriff of the district of *St. Francis*, I have referred to the issue books, and find intervals of a month and upwards, during which no writs have issued out of my office requiring the services of the sheriff.

Prothonotary's Office, 11 July 1836.

(signed) *William Bell*, P. B. R.

(Enclosure 7 to Mr. *Whitcher's* Defence.)Correspondence
respecting
Mr. *Whitcher*.(1.)—CERTIFICATE of *G. F. Bowen*, Esq., Advocate.

Province of Lower Canada, District of St. Francis.

Sherbrooke, 28 June 1836.

THE undersigned, a practising advocate and attorney in the district of St. Francis, hereby certifies that he himself has not suffered, nor have his clients, to his knowledge, heretofore suffered any inconvenience in consequence of the sheriff of this district not keeping his office open at the court-house during stated hours, the little business of the office not requiring it; that the room appropriated for the purpose is altogether inadequate, not being even wind and weather tight.

(signed) *G. F. Bowen*, Advocate.(2.)—CERTIFICATE of *F. J. M. Collard*, Esq., Barrister.

THE undersigned, a practising barrister, resident at Sherbrooke, in the district of St. Francis, hereby certifies that he has never sustained any inconvenience in consequence of the sheriff of the district not keeping an open office, as the arrangements of the sheriff have been such as to preclude the necessity for his so doing: neither does the undersigned believe that the public can have sustained any inconvenience, as, in the issuing of all process, the ministry of an attorney is required. The undersigned has always found the sheriff careful and indefatigable in the discharge of his official duties, and has always found an anxious desire on his part to accommodate the members of the bar, and afford them every facility in the transaction of business with them.

(signed) *Frederick J. M. Collard*.

Sherbrooke, June 28, 1836.

(3.)—LETTER from *C. P. Elkins*, Esq., Advocate.

Sir,

June 15, 1836.

You having been most unjustly and untruly charged by one of the members of the bar practising in this district, as being guilty of a dereliction of your duties as sheriff of this district, I, for one, consider it due to you, as regards your official character, to state that during the 10 years and upwards that I have practised here (and in that period conducted much professional business), you have at all times and at all hours, and frequently in the middle of the night, and when labouring under severe indisposition, been ever ready to transmit any business appertaining to your office as sheriff; and that neither of my clients or myself, have ever sustained any inconvenience for want of the duties of the sheriff being performed; and I must further add, that I do not believe there is any person in the district who can with truth say the contrary.

Charles Whitcher, Esq.
Sheriff, St. Francis.

I am, &c.
(signed) *C. P. Elkins*,
Attorney and Advocate,
Sherbrooke Bar, St. Francis.

(4.)—CERTIFICATE of *J. Hallowell*, Esq., Barrister.

THE undersigned has been a practising barrister in the district of St. Francis since the erection of the district, and he believes that during that period the public have sustained no inconvenience whatever in consequence of the sheriff of the district not having kept an open office at the court-house during stated hours, and that in all business which the undersigned has transacted with the sheriff, he has found him faithful and active in the discharge of his duties.

(signed) *James Hallowell*.

Sherbrooke, 28th day of June 1836.

(5.)—CERTIFICATE of *J. Peoples*, Esq., Attorney.

Province of Lower Canada, District of St. Francis.

I, THE undersigned, do hereby certify, that during my practice at the Sherbrooke bar, in the district of St. Francis, no material inconvenience has been suffered by me, and that no damage has been sustained by my clients from the alleged inattention of *Charles Whitcher*, esq. to his office as sheriff of this district; for although his attendance in his office was not very regular, he was generally to be found on the square opposite to *Mr. King's* tavern, or near thereto.

(signed) *James Peoples*, Attorney.

Sherbrooke, 15th day of June 1836.

Correspondence
respecting
Mr. Whitcher.

(6.)—CERTIFICATE of *John Short*, Esq., Advocate.

Sherbrooke, 7 July 1836.

I, THE undersigned, an advocate practising at the bar at Sherbrooke, in the district of St. Francis, do hereby certify that I have not suffered during my practice any inconvenience, nor have my clients sustained any injury, owing to the circumstance of the sheriff of the district not at all times keeping an open office; on the contrary, the sheriff has been in the habit of calling frequently at my office to inquire whether I had any process, or expected to have any that would require his services.

(signed) *John Short*.(7.)—CERTIFICATE of *H. B. Terrill*, Esq., Advocate.

I, HAZARD BAILEY TERRILL, of the village of Sherbrooke, advocate and attorney-at-law, and practising as such at Sherbrooke, do cheerfully certify that, as an attorney, I have never met with any inconvenience in my practice, nor to my knowledge have my clients, from the reason that Charles Whitcher, esq., the sheriff of the district of St. Francis, has not at all times kept an open office during office hours.

(signed) *H. Bailey Terrill*.

Sherbrooke, 24 June 1836.

(8.)—CERTIFICATE of *C. de Tonnancour*, Esq., Advocate.

I, THE undersigned, an advocate, many years practising as such at the bar at Sherbrooke, in the district of St. Francis, do hereby certify that I have not sustained any personal inconvenience from the sheriff of the district not having at all times kept an open office, there having been but little business requiring the services of the sheriff, particularly previous to the Court of King's Bench being established in the district.

(signed) *C. de Tonnancour*.

Sherbrooke, 1 July 1836.

(Enclosure 8 to Mr. Whitcher's Defence.)

(1.)—AFFIDAVIT of *John A. Brooks*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, John Adams Brooks, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs for said district, being duly sworn upon the Holy Evangelists, deposeth and saith, that he has never paid to the sheriff, or to any person on his behalf, any part of his fees, or did the sheriff of the said district ever demand or require this deponent so to do.

(signed) *John A. Brooks*.

Sworn before me, at Sherbrooke, this 6th day of June 1836.

(signed) *M. Nichols, J. P.*(2.)—AFFIDAVIT of *Stephen Barnard*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Stephen Barnard, one of the bailiffs of the Court at Sherbrooke, in the district of St. Francis, and also one of the sheriff's bailiffs, deposeth and saith, that the sheriff never kept to his own use any part of his, this deponent's, fees, nor does he expect to pay him any part of his fees.

(signed) *Stephen Barnard*.

Sworn before me, at Melbourne, this 9th day of May 1836.

(signed) *D. Thomas, J. P.*(3.)—AFFIDAVIT of *T. C. Butler*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, THOMAS COSS BUTLER, of the township of Stanstead, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also the sheriff's bailiff for the district, maketh oath and saith, that Charles Whitcher, esquire, the sheriff of the said district of St. Francis, never retained any part of his, the deponent's, fees, nor did he, the deponent, ever agree to pay any part thereof to the said sheriff, nor has the said sheriff ever required the deponent so to do.

(signed) *T. C. Butler*.

Sworn before me at Stanstead, this 18th day of February 1836.

C. Bullock, J. P.

(4.)—AFFIDAVIT of *John Johnson*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, JOHN JOHNSON, of the township of Hatley, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs for the said district, maketh oath and saith, that Charles Whitcher, esq., the sheriff of the said district of St. Francis, never retained any part of his, the deponent's, fees; nor did he, the deponent, ever agree to pay any part thereof to the said sheriff; nor has he, the said sheriff, ever requested the deponent so to do.

(signed) *John Johnson.*

Sworn before me, at Sherbrooke, this 9th day of March 1836.

(signed) *David Moe, J. P.*Correspondence
respecting
Mr. Whitcher.(5.)—AFFIDAVIT of *Joseph Smith Parsons*, Bailiff.

Province of Lower Canada, Inferior District of St. Francis.

I, JOSEPH SMITH PARSONS, of the township of Compton, did serve as a bailiff in said district several years, and never paid any part of my fees to the sheriff of said district.

(signed) *Joseph Smith Parsons.*Sworn this 2d day of April, A. D. 1836, before *M. Nichols, J. P.*(6.)—AFFIDAVIT of *J. F. Diessen*, Bailiff.

Province of Lower Canada, District of St. Francis.

JOSEPH FOSTER DIESSEN, one of the bailiffs of the Court of King's Bench for the said district, and one of the sheriff's bailiffs, deposeth and saith, that Charles Whitcher, the sheriff of said district, never has demanded, nor kept any part of the said John Foster Diessen's fees in any case whatever, but has always settled honourably, and when required so to do by the said deponent.

(signed) *J. F. Diessen, Bailiff.*

Sworn before me, at Sherbrooke, this 8th day of April 1836.

(signed) *Sherbart Pierce, J. P.*(7.)—AFFIDAVIT of *John Ball*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, John Ball, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs, deposeth and saith, that he has never paid to Charles Whitcher, esq., the sheriff, any part of his fees, or did the said sheriff ever ask or require it of him.

(signed) *John Ball.*

Sworn before me, at Ascot, this 12th day of May 1836.

(signed) *M. Nichols, J. P.*(8.)—AFFIDAVIT of *Increase Bullock*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Increase Bullock, one of the bailiffs for the Provincial Court of said district, and also one of the sheriff's bailiffs for the said district, maketh oath and saith, that Charles Whitcher, esq., the sheriff of the said district, never kept back any part of my fees, nor did he ever require me to make any agreement so to do.

(signed) *Increase Bullock.*

Sworn before me, at Georgeville, this 7th day of May 1836.

(signed) *C. Bullock, J. P.*(9.)—AFFIDAVIT of *Andrew Palton*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Andrew Palton, formerly one of the bailiffs of the Provincial Court for the district of St. Francis, and also one of the sheriff's bailiffs for the said district, maketh oath and saith, that Charles Whitcher, the said sheriff, never deducted any part of his fees, nor did he require this deponent to pay him any part thereof.

(signed) *Andrew Palton.*

Sworn before me, at Stanstead, this 7th day of May 1836.

(signed) *James C. Peasley, J. P.*

Correspondence
respecting
Mr. Whitcher.

(10.)—AFFIDAVIT of *John Swelt*, Bailiff.

Province of Lower Canada, District of St. Francis.

JOHN SWELT, of the township of Stanstead, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also the sheriff's bailiff for the said district, maketh oath and saith, that Charles Whitcher, esq., the sheriff of the said district of St. Francis, has never retained any part of his, this deponent's, fees; nor did he, this deponent, ever agree to pay any part thereof to the said sheriff; nor has the said sheriff ever required this deponent so to do.

(signed) *John Swelt*, Bailiff.

Sworn before me, at Stanstead, this 27th day February 1806.

(signed) *C. Bulloch*, J. P.(11.)—AFFIDAVIT of *Levi Nicholls*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, LEVI NICHOLLS, do testify and say, that I paid no part of my fees as bailiff to C. Whitcher, esq., neither was it required of me by him the said Whitcher.

(signed) *L. Nicholls*.Sworn to this 17th day of February 1836, before *M. Nichols*, J. P.(Enclosure 9 to Mr. *Whitcher's* Defence.)(1.)—CERTIFICATE of *S. Barnard*.

I HEREBY certify, that I have never experienced any delay or inconvenience in obtaining papers from the sheriff's office at Sherbrooke, and that the sheriff was and is in the habit of sending his warrant for the execution of process to my residence, in Melbourne.

Melbourne, 9 May 1836.

(signed) *Stephen Barnard*.(2.)—CERTIFICATE of *T. C. Butler*, Bailiff.

I, T. C. BUTLER, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs, do hereby certify, that I have never experienced any delay or inconvenience in getting out papers from the sheriff's office; but, on the contrary, he has made out and delivered different processes with the greatest dispatch from time to time during the day, and frequently at a late hour at night, at his dwelling-house; and I have no fault to find whatever of the said sheriff.

Stanstead, 6 May 1836.

(signed) *T. C. Butler*.(3.)—CERTIFICATE of *John Johnson*, Bailiff.

I, JOHN JOHNSON, one of the sworn bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs, do hereby certify, that I have never experienced any inconvenience in getting out papers from the sheriff's office by any delay of the sheriff; but, on the contrary, he has made out and delivered different papers with the greatest expedition during office hours, and frequently at a late hour of the night; and I have no complaint to make against the said sheriff.

Hatley, 11 May 1836.

(signed) *John Johnson*, Bailiff.(4.)—CERTIFICATE of *John Swelt*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, JOHN SWELT, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs for the said district, do hereby certify that I have never had the least trouble or delay in obtaining papers or process from the said sheriff's office; but, on the contrary, have always found the sheriff most ready to act, at all hours during the day time, or at night, when applied to at his own house.

6 May 1836.

(signed) *John Swelt*, Bailiff.(Enclosure 10 to Mr. *Whitcher's* Defence.)AFFIDAVIT of *Hiram Moe*, Bailiff.

Province of Lower Canada, District of St. Francis.

HIRAM MOE, of the township of Ascot, in the district of St. Francis, bailiff, being duly sworn upon the Holy Evangelists, deposes and saith, that he was, during the last session of the Provincial Parliament, examined as a witness before a committee of the House of Assembly, as to the fact of his having summoned jurors for the sheriff of the district of St.

Francis,

Francis, and that in answer to questions put to him by the committee, he several times stated, that at the time of his so summoning jurors for the said sheriff, he was of age, and that such statement does not appear in the printed copy of his evidence which has been shown to him; and further this deponent saith not, and hath signed.

(signed) *Hiram Moe.*

Sworn before me, at Sherbrooke, this 11th day of July 1836.

(signed) *J. Fletcher, R. J.*

Correspondence
respecting
Mr. Whitcher.

(Enclosure 11 to Mr. Whitcher's Defence.)

(1.)—CERTIFICATE of *J. Jones, Esq., J. P.*

I HEREBY certify, that I have many times attended the general sessions of the peace at Sherbrooke, as a magistrate of the district of St. Francis, and that the sheriff of the said district was constant in his attendance during the sittings of the sessions, and paid every possible attention to the bench during the continuance of the court.

Hatley, 6 May 1836.

(signed) *J. Jones, J. P.*

(2.)—CERTIFICATE of *David Moe, Esq., J. P.*

I HEREBY certify, that I have attended the court of general sessions of the peace, at Sherbrooke, as one of the magistrates for the district of St. Francis, and always found Mr. Whitcher, the sheriff, present during the sitting of the court; and that, owing to there not being any funds at the disposal of the court by which they could pay and ensure the attendance of constables, as in other districts, the court has been frequently under the necessity of committing prisoners to the personal charge of the sheriff; that he has readily executed any order addressed to him under the above circumstances, and otherwise paid every possible attention to the court.

Sherbrooke, 11 May 1836.

(signed) *David Moe, J. P.*

(3.)—CERTIFICATE of *David Moe, Esq., J. P.*

I HEREBY certify, that several years ago I frequently attended the court of general sessions of the peace, at Sherbrooke, and sometimes as a grand juror, and also several times as foreman of the grand jury, when I have heard jurors, who resided in the immediate vicinity of the court, speak of their being called more frequently to attend juries than others living at a greater distance; but that I have not heard any complaint against the sheriff by persons who happened to be brought from more remote parts of the district to serve as jurors.

Sherbrooke, 12 May 1836.

(signed) *David Moe, J. P.*

(4.)—CERTIFICATE of *M. Nichols, Esq., J. P.*

I HEREBY certify, that I have attended the court of general sessions of the peace at Sherbrooke, from time to time for many years since the erection of the district, as one of the magistrates for the district of St. Francis; that I always observed Mr. Whitcher, the sheriff, present during the sitting of the court, and readily executing the orders addressed to him by the court; and that the execution thereof, in many instances, was very disagreeable, as the want of funds, or a regular police, providing for the attendance of constables, frequently imposed upon the court the necessity of committing prisoners to the personal charge of the sheriff. I also certify, that in consequence of there not being a permanent chairman to preside at the sessions, no tariff of fees was ever prepared for the services he performed at such sessions.

Sherbrooke, 11 May 1836.

(signed) *M. Nichols, J. P.*

(5.)—CERTIFICATE of *M. Nichols, Esq., J. P.*

I HEREBY certify, that I have frequently presided at the court of general sessions of the peace at Sherbrooke, as chairman of the session, and at other times as a junior magistrate of the quorum, during the last ten years, and have no knowledge of any juror having complained to the court as to the manner of his having been called or summoned to attend there, or of any complaint relative to the conduct of the sheriff towards jurors.

Sherbrooke, 11 May 1836.

(signed) *M. Nichols, J. P.*

(6.)—CERTIFICATE of *M. Nichols, Esq., Medical Attendant of the Gaol.*

I DO hereby certify, that I have been in the habit for many years of visiting the prisoners confined in the gaol at Sherbrooke, as well as in a magisterial capacity as the medical attendant of the gaol; that in consequence of my having been in daily attendance, at times,

Correspondence
respecting
Mr. Whitcher.

upon the sick, no person could have had a better opportunity of observing the conduct of the sheriff towards the prisoners, which has been uniformly humane; that he has invariably caused everything which I have found it necessary to order for the sick, or any arrangement which the state of their health required, to be immediately attended to; and I have a personal knowledge of his having, in times of scarcity, when bread or flour could not be purchased, bought biscuit and crackers, and frequently sent bread from his own table (when it could not be for some time replaced), for the prisoner's use.

Sherbrooke, 11 May 1836.

(signed) *M. Nichols.*

(7.)—CERTIFICATE of *J. C. Peasley, Esq., J. P.*

I HEREBY certify, that whenever I have sat upon the bench, at the court of general sessions of the peace at Sherbrooke, in the district of St. Francis, as one of the magistrates of the said district, I have always found the sheriff in attendance, and paying every attention that could be desired during the sitting of the said court.

Stanstead, 6 May 1836.

(signed) *James C. Peasley, J. P.*

(8.)—CERTIFICATE of *Selah Pomroy, Esq., J. P.*

I DO hereby certify, that I have frequently attended the court of general sessions of the peace at Sherbrooke, in the district of St. Francis, as one of the magistrates for the said district, and always found the sheriff in attendance, and ready to execute the orders addressed to him by the court, and paying every possible attention to the magistrates during the continuance of the said sessions.

Stanstead, 6 May 1836.

(signed) *Selah Pomroy, J. P.*

(9.)—CERTIFICATE of *Alexander Rea, Esq., J. P.*

Province of Lower Canada, District of St. Francis.

THE undersigned, one of His Majesty's justices of the peace for the district of St. Francis, has been in the habit of attending the sittings of the several sessions of the peace held at Sherbrooke since he has been in the commission, and he has always found the sheriff of the district in attendance upon the court at such sessions, and the duties of his office ably and actively discharged.

The undersigned resides in a remote part of the district, and has never heard any complaints of the manner in which jurors have been summoned from that part of the country, or of his conduct as such generally.

11 June 1836.

(signed) *Alexander Rea, J. P.*

(10.)—CERTIFICATE of *Tyler Spafford, jun., Esq., J. P.*

THIS certifies, that Charles Whitcher, esq., sheriff of the district of St. Francis, has, to my knowledge, attended in the court of sessions held at Sherbrooke, in said district, and done his duty as high sheriff.

Lennoxville, 21 May 1836.

(signed) *Tyler Spafford, jun., J. P.*

(11.)—CERTIFICATE of *Robert Vincent, Esq., J. P.*

I HEREBY certify, that I have frequently attended the court of general sessions of the peace, at Sherbrooke, as one of the magistrates for the district of St. Francis, and have always found the sheriff constant in his attendance during the court of sessions, and most attentive in executing all orders addressed to him by the said court, and disposed to show every possible respect and attention to the magistrates composing the court.

Hatley, 7 May 1836.

(signed) *Robert Vincent, J. P.*

(Enclosure 12 to Mr. Whitcher's Defence.)

THE undersigned residents in the district of St. Francis hereby certify, that they are perfectly satisfied with the sheriff of the district, and with the manner in which the duties of his office are discharged.

[Followed by 211 signatures.]

Enclosure No. 6 in Duplicate Despatch from the Earl of Gosford,
dated 9th September 1836.

Correspondence
respecting
Mr. Whitcher.

Sir,

Court House, Sherbrooke, 30th August 1836.

THE inconvenience which has been long felt from the utter insufficiency of the old wooden building which has been heretofore used as the place for holding the courts of judicature in this district, and which is little better than a common shed; the total insecurity of the records of the court from the probable exposure to the elements, as well as to the attempts of persons who may be disposed, from interested motives, to abstract and secrete the same; the absolute want of accommodation and necessary shelter, as well for the court and its officers and suitors, as for the keeper and his family, induced the judges more than once to represent to the executive government the necessity of supplying these defects. They then suggested the propriety of having the brick building erected at Sherbrooke as the common gaol, and for which purpose it is manifestly insufficient, converted into a court-house and offices. The causes which led to these representations have necessarily acquired additional strength from the lapse of time, which has rendered this building more and more insecure and dangerous. Such is now its threatening condition, that during the prevalence of a storm last winter, the keeper and his family were obliged to abandon the building, under the apprehension that it could not resist the storm, which event must necessarily have resulted in the certain loss of many valuable records.

In this view of the case, the judges deem it their duty to bring the subject under the consideration of his Excellency the Governor-in-chief, and to express their confident hope, that effectual measures will be taken to relieve the district from an evil affecting not only the dignity of the administration of justice, but also the most valuable interests of His Majesty's subjects therein.

We have the honour to be, &c.,

(signed) *Edward Bowen,
J. Fletcher,
Vallières de St. Real.*

Enclosure No. 7 in Duplicate Despatch from the Earl of Gosford,
dated 9th September 1836.

Sir,

Castle of St. Lewis, Quebec, 8th September 1836.

WITH reference to the complaints preferred against you by the House of Assembly in its last session, and your defence thereto, which has recently been received, I am commanded by the Governor-in-chief to acquaint you that, upon a full consideration of the subject, he has determined to reserve the questions arising in your case for the final decision of His Majesty; and I am directed to add, that with this view it is his Excellency's intention to transmit, without delay, the whole of the proceedings to His Majesty's Principal Secretary of State for the Colonies.

Charles Whitcher, Esq.,
&c. &c. &c.

I have, &c.
(signed) *S. Walcott,*
Civil Secretary.

— No. 2. —

COPY of DESPATCH from Lord Glenelg to the Earl of Gosford.

My Lord,

Downing-street, 1 December 1836.

I HAVE to acknowledge the receipt of your despatch of the 9th September, transmitting for the consideration of His Majesty's Government an address presented to you by the House of Assembly of Lower Canada, praying for the removal of Mr. Whitcher from the office of sheriff of the district of St. Francis, and from all other offices under the Crown. Your despatch is also accompanied by the report of a committee of the Assembly on which this address was founded; together with copies of Mr. Whitcher's answer to the charges brought against him, and of various other documents connected with the case.

The inquiry instituted by the Assembly into the proceedings of Mr. Whitcher, took its rise from a petition addressed to them by 100 inhabitants of the district of St. Francis, accusing him of misconduct in the discharge of his official duties. The specific allegations against him were,

1. That for the purpose of increasing his fees, he had been in the habit of sum-

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moning jurors from the more remote parts of the district, in preference to those who resided near the court :

2. That he had extorted from his bailiffs, and appropriated to his own use, a portion of the fees allotted by law to them :

3. That he had been guilty of injustice and partiality in the discharge of his duties, more especially in the case of *Peck v. Haskell* : and,

4. That he had not paid due attention to the prisoners in the gaol.

On all these points the committee to whom the petition was referred examined witnesses. From the silence, however, of their report, they would appear to have considered the 1st, 3d and 4th charges as unfounded. The 2d charge they adopted, and added to it various other accusations, which it is the object of my present despatch to consider. But before entering on that duty, I cannot but advert to the difficulty in which the Executive Government is placed by the course which the Assembly have pursued in this case.

The evidence taken against Mr. Whitcher appears to have been altogether of an *ex parte* character: he was not present during any part of the proceedings against him; he had no opportunity of cross-examining the witnesses, or of adducing any evidence in his defence; it is not even asserted that he had any knowledge that his conduct was at that time the subject of investigation, while a considerable portion of the charge against him has been founded on testimony given by himself on a previous occasion, and with reference to a totally distinct inquiry. Under these circumstances Mr. Whitcher's defence must necessarily be made at much disadvantage; and the difficulty of arriving at a satisfactory result upon the whole case is very considerably increased. Instead of that clear evidence which is afforded by oral testimony, when sifted by cross-examination, and liable, if incorrect, to immediate exposure, I find in the present case several important statements resting, on the one side, on the confident assertion of the witness, and combated on the other by the equally confident denial of the accused. It is indeed true that in most instances Mr. Whitcher has been able to support his defence by affidavits, a species of evidence, however, which, from its nature, must always be less conclusive than oral testimony. Yet it is on accusations thus imperfectly sustained and controverted that His Majesty's Government are called on to adopt a decision involving not only the pecuniary interests, but the official reputation of a gentleman holding a high situation under the Crown. The Assembly of Lower Canada will, I am confident, admit the embarrassment to which, with every anxiety to administer an even-handed justice, His Majesty's Government is thus exposed; and as that House, in their proceedings against the officers of the Crown, can have no other object than the detection and redress of abuses, I cannot doubt that when this matter is brought distinctly under their notice, they will at once perceive the truth of what I have stated, and will issue such instructions to their committees as shall prevent the recurrence of a practice similar to that which has been adopted on the present occasion. With this preliminary remark, I proceed to examine the evidence printed in the Appendix to the Report of the Committee.

The witnesses called before the committee were eight in number. Of these, two were advocates practising in the district court of St. Francis; four were bailiffs, who either were or had been in the employment of Mr. Whitcher; and the remaining two, Messrs. Gavin and Spalding, were gentlemen whose avocations had brought them into official contact with him. The evidence, however, of the two latter was almost exclusively confined to individual cases which are altogether unnoticed by the committee in their report. I must consequently presume that the committee did not consider that any charge was substantiated against Mr. Whitcher by these gentlemen, and it will therefore be unnecessary for me to enter on any detailed examination of their evidence in the subsequent parts of this despatch.

The charges brought against Mr. Whitcher in the report of the committee, are as follows :

1. That he had demanded from his bailiffs one-third of the fees legally payable to them.

2. That he had refused to employ such bailiffs as resisted this demand.

3. That he had struck one bailiff from his list in consequence of his declining to agree to this arrangement.

4. That he had employed a young man, under age, to serve summonses, paying him a much smaller sum than was allowed by law for that service, but taking from him vouchers for the whole amount.

5. That

5. That in his evidence before a committee of the Assembly, appointed to inquire into judicial fees, he had been guilty of false statements, and of a wilful misrepresentation of facts; and

6. That he had neglected to keep an open office, whereby the advocates in the courts had met with vexatious delays in the transaction of their business.

In regard to the first charge; viz. that of demanding from his bailiffs a portion of their fees, it appears, that for some time after Mr. Whitcher's appointment to the office of sheriff, it was his custom, at the time of engaging his bailiffs, to make a special contract with them as to the rate of their remuneration. By this contract Mr. Whitcher was to receive from the Government the whole fees allowed by law for the performance of the bailiffs' services; but he was to pay over to the bailiffs only two-thirds of those fees. This arrangement continued in force for several years; but in 1833 Mr. Whitcher received an intimation from the court of King's Bench that it was irregular, and he accordingly discontinued it. His accounts with his bailiffs being of small amount, he had not been in the habit of settling with them at any fixed periods; and there appear to have been several with whom he had never settled since their appointments. Some observations, however, having been made on this point in the course of Mr. Whitcher's examination in December 1835, before a committee of the Assembly appointed to inquire into judicial fees, he took the earliest opportunity on his return home to adjust his accounts, and in so doing he proceeded to repay to his bailiffs all that portion of their fees which he had retained previously to 1833. Such are the facts of the case, as I gather them from the testimony of the bailiffs examined by the committee, and from Mr. Whitcher's letter to your Lordship. Mr. Whitcher has added that he had considered it to be his undoubted right to make such arrangements as he might think advantageous for the performance of duties of which the entire responsibility devolved on himself: that his bailiffs not being in circumstances to give him any adequate security against loss, through any error which they might commit, he conceived that he was acting "legally" in deducting one-third of their fees, and that in so doing, he only followed the practice which he believes to have existed at that time, and still to prevail in other districts of the province.

In their report to the House of Assembly, the committee have assumed that this proceeding of Mr. Whitcher was "illegal." I do not, however, find in your Lordship's despatch or its enclosures, any sufficient authority for this assumption. On the contrary, from the manner in which the transaction appears to have been noticed in 1833 by the judges of the court of King's Bench, I am led to believe that it was not considered by them in that light. I am bound, therefore, to give Mr. Whitcher credit for not having wilfully contravened the law. That the practice was liable to misconstruction, and was therefore improper, it is impossible to deny; but this tendency having been pointed out to Mr. Whitcher, he appears to have immediately taken the only steps in his power to correct his error, by discontinuing it, and by paying back that part of the fees which he had previously retained. Under these circumstances, while I admit that Mr. Whitcher's conduct in this matter was erroneous, I do not feel that it affords adequate grounds for visiting him with any extreme severity. The manner in which the committee have alluded to the adjustment of his accounts in the beginning of the present year, leads me to suppose that they attributed that proceeding solely to a consciousness on his part of the impropriety of his former delay, and to a desire to conceal that delay from public notice. But although this motive may probably have had some weight with him, I think that his anxiety to settle his accounts is sufficiently explained by the examination to which he was subjected in December 1835, without assuming him to have anticipated that his conduct would be made the subject of further inquiry. His irregularity in respect to his pecuniary transactions with his bailiffs, is certainly to be condemned; but I have no doubt that the consequences which have already resulted from it, will induce him to use a greater caution for the future.

2. It is stated that Mr. Whitcher had refused to employ those bailiffs who declined to give him a share of their fees. This accusation rests altogether on the assertions of Messrs. Kimball, Short and Gavin; but as these gentlemen could have no personal knowledge of the matter, they merely repeated what they had heard from others. It is not to be found in the evidence of the bailiffs, who, although the most competent witnesses, do not appear to have been examined on this point; it is distinctly denied by Mr. Whitcher; it is inconsistent with the

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affidavits of 11 bailiffs, attached to his letter; and it is contradicted by the deposition of Mallory, one of the persons from whom Mr. Kimball asserted that he had heard it. Under these circumstances it is unnecessary for me to offer any observation on the charge.

3. Mr. Whitcher is accused of having struck from the list one of his bailiffs, in consequence of that officer's refusal to share his fees with Mr. Whitcher. The person here alluded to is John Chamberlin, in whose evidence alone is to be found the statement on which the charge is founded. Mr. Whitcher, on the contrary, asserts, and his assertion is borne out by the affidavit of Samuel Mallory, that Chamberlin was dismissed from his situation in consequence of gross misconduct. I feel bound to acquit Mr. Whitcher of all blame in this matter.

4. It is affirmed that he had employed a young man, under age, to serve summonses, paying him, at the same time, a much smaller sum than was charged to the Government for that service. In answer to the former part of this statement, Mr. Whitcher transmits an affidavit from Hiram Moe, the individual alluded to, deposing that, at the time of his being employed on the service in question, he was of age, and that he had repeatedly stated this fact to the committee, in answer to questions put to him, although it does not appear in the Appendix to their Report. In regard to the difference between the sum paid to Moe, and that charged to the Government by Mr. Whitcher, it is to be observed, that in his evidence, Moe stated that he had subsequently received from Mr. Whitcher the full amount of his fees for the service of these summonses. Mr. Whitcher's defence, therefore, on this point, is included in the answer, which I have already noticed, to the first charge.

5. Mr. Whitcher is accused of having been guilty of false statements and wilful misrepresentation in his evidence before the committee appointed to inquire into judicial fees. This refers to certain answers, in which Mr. Whitcher stated to the committee that he did not receive any part of the bailiffs' fees; and denied, by implication at least, that he had ever expressed to any of them an intention to retain a portion of those fees. Mr. Whitcher's defence on this charge is, that at the time of his examination, he was labouring under severe indisposition; that a portion only of his evidence has been printed; and that having been required to answer categorically to the questions put to him, he replied with reference to the existing practice. I cannot admit that this defence is satisfactory. The explanation which Mr. Whitcher would have had to make respecting the past and the existing practice in regard to bailiffs' fees, was neither long nor intricate; and although the committee might be indisposed to enter into matter irrelevant to the inquiry committed to them, I cannot believe that they meant to decline an explanation which was indispensable to their right understanding of the subject and essential to Mr. Whitcher's character. But even assuming that such had been the case, Mr. Whitcher's defence can apply only to the earlier questions put to him. In his answers to the questions, numbered from 50 to 53 inclusive, if he did not actually assert what was false, he so framed his answers as to conceal what was true. With respect to this point, therefore, I cannot acknowledge the sufficiency of Mr. Whitcher's defence. On the contrary, I am compelled to state, that in his examination before the committee for inquiring into judicial fees, he appears to me not to have acted with frankness, and on this ground has rendered himself liable to strong animadversion.

Lastly, Complaint is made that Mr. Whitcher has neglected to keep an open office; whereby the advocates in the courts have met with vexatious delays in the transaction of their business. This charge rests principally on the evidence of Mr. Kimball, though it is supported by that of the other witnesses. It is to be remarked, however, that although each of the witnesses was examined on this point, and though each of them deposed that inconvenience had resulted from the irregular attendance of the sheriff, Mr. Gavin alone was able to specify an instance of such inconvenience. His statement was that he had applied at Mr. Whitcher's office for a warrant, and that he "should not have had so much trouble" if it had been open. Mr. Whitcher's defence is, first, that the court-house, and more especially the sheriff's department, is in so dilapidated a state, that it is impossible to inhabit it; and secondly, that from the small quantity of his business, no necessity existed for a public office. In support of the former assertion, he refers to a presentment of the grand jury of the district, in October 1835, and to certificates of the keeper of the court-house, and the clerk of the prothonotaries, dated in March 1836, to which your Lordship has added a letter,
addressed

addressed to your civil secretary, on the 30th August last, by three of the judges of the district. From these documents it clearly appears that the court-house is now and has been for some years totally unfit for the purposes to which it is destined, and that the sheriff's apartment is in rainy weather uninhabitable. In regard to the inconvenience which has resulted to the public from irregularity in his attendance, Mr. Whitcher observes, that all processes being sued out through the advocates alone, they are the parties most likely to be affected by carelessness on the part of the sheriff; but to prove that this has not been the case, he forwards certificates from eight out of the eleven advocates practising at the bar of the district, asserting that no such inconvenience has been felt. He further appeals to the certificates of the prothonotary and his clerk, to show that in the district of St. Francis there is not the same necessity for an office constantly open as in other districts, and he transmits certificates from 10 magistrates, proving that he has been constant in his attendance on the court of sessions, and that his conduct as sheriff has their approbation. Under these circumstances, I cannot hesitate to acquit Mr. Whitcher of blame in having omitted to keep an open office. If any public inconvenience has resulted from this omission, which, after perusing the enclosures to Mr. Whitcher's letter, I cannot assume, it must be attributed to that neglect which has allowed the court-house and the offices attached to it, to fall into their present ruinous condition.

I have now gone through all the charges brought against Mr. Whitcher by the Report of the committee. If I have not been able altogether to exonerate him, I have yet felt myself precluded from advising His Majesty to accede to the address of the Assembly for his removal. The preceding parts of this despatch will sufficiently explain to the Assembly the grounds of my decision, and will, I trust, convince them that while it is my duty to protect the officers of the Crown in the faithful discharge of their duties, I am not disposed to pass over without notice any part of their public conduct which may appear to deserve censure.

I have, &c.
(signed) *Glenelg.*

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COPIES of Two REPORTS of a Select Committee of the House of Assembly of Lower Canada respecting Mr. *Felton*, together with any further Correspondence (in continuation of that presented on the 26th July 1836;*) on the subject of the Complaint against Mr. *Felton*.

* Papers presented
4th March and
27th July.

COPY of a DESPATCH from Earl *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 12 May 1836.

I HAVE the honour to transmit herewith, for the information of your Lordship, the following documents; namely: 1st, The Second Report of the Standing Committee of Grievances of the House of Assembly, being the result of an investigation directed by the House to be made into the public character and conduct of Mr. Felton, as agent for the settlement of five townships in this province. 2dly. A printed copy of remarks on this report, drawn up and circulated by Mr. Felton. 3dly. A copy of an Address from the Assembly, founded on the report, charging that officer with corrupt and fraudulent conduct, and with being guilty of oppression, speculation and extortion, by abusing the powers entrusted to him for settling the waste lands of the Crown, and praying for his immediate removal from all offices of honour or emolument which he may hold by commission during pleasure. 4thly. A copy of my answer to the address, in which I stated, that as some of the accusations appeared to me to contain allegations of fraud, requiring the decision of a court of justice, I should take the opinion of the law-officers of the Crown on the subject; and that on receiving their report, and the explanation of the accused, I should not fail to take the best means in my power for obtaining a just and speedy determination of the case. And, 5thly. A copy of the report of the Attorney and Solicitor-Generals, stating as their opinion, that, taking the evidence adduced by the House to be such as would be received by a grand jury, there were grounds set forth in the report of the Committee, and in the documents brought forward in its support;

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for a criminal prosecution of Mr. Felton as a public officer, for selling lands as his own, which, it is said, belong to the Government; and for the settlement of which lands he was entitled to, and did claim from the Government, suitable remuneration; and advising, that in the absence of any other constitutional tribunal for the trial of such offences, the conduct of Mr. Felton should be investigated by indictment before the King's Bench.

It appears that in 1822 Mr. Felton was appointed agent for the settlement of the townships in question, and that, to attract settlers, he was authorised to hold out to applicants the promise of a free grant of 100 acres of land, upon the condition of actual settlement; the performance of which condition, he, as agent, was to certify, in order to entitle the applicant to a gratuitous grant. It also appears that Mr. Felton obtained for himself, under authority from the Secretary of State, large grants of land in those townships; and it is stated in the report of the committee, that when applied to as agent for free grants of land, on the stipulated conditions only, he evaded the applications, and used means to induce the applicants to purchase lands from himself; at the same time claiming and receiving from Government his allowance of five per cent on the amount of land so disposed of, as if on locations made by him under the authority of his instructions as agent. The committee, therefore, conclude, that if the land belonged to Mr. Felton, he could not honestly claim a commission for selling it; nor if it belonged to the Crown, could he honestly sell it, as they state he has done, and convert the price to his own use.

I have not yet received from Mr. Felton, who was not present during the investigation by the committee of the Assembly, the explanation and defence for which I have called, but in his printed remarks (Enclosure No. 2.) I observe that he states, in respect to the facts brought in support of the accusation, that some are untrue, others exaggerated, and all imperfectly stated; that the very few sales made by him for money were of lands which he had a right to dispose of, on account of his per-centage as agent; and that the others were not sales for money, but transactions with his labourers, in which no money was paid by them, but on the contrary, that money had been advanced by him to enable them to commence their settlement.

I have now only to acquaint your Lordship, that in accordance with the opinion of the law-officers of the Crown, I have directed a special commission of oyer and terminer to issue for the trial, at the suit of the Crown, of Mr. Felton, on such of the charges as are susceptible of investigation in a court of law. The prosecution will take place about the middle of next month, being, as I am informed, the earliest time that could conveniently be fixed; and the ulterior measures which I may feel myself called upon to adopt with regard to Mr. Felton shall be communicated to your Lordship without delay.

I have, &c.

(signed) Gosford.

Enclosure No. 1 in preceding Despatch.

SECOND REPORT of the Standing Committee of Grievances.

ON the Instruction of Your Honourable House of the 20th November last, "to prosecute the Inquiry into the public Character and Conduct of the Honourable William Bowman Felton, instituted during the last Session," Your Committee have the honour to present the following Report:—

THE subject of this inquiry settled in the township of Ascot about the year 1816. He appears shortly afterwards to have dealt largely in land; to have obtained the confidence of Government, and to have received considerable grants from the Crown. The facts and opinions which your committee have to report, arise out of these circumstances.

On the 9th February 1822 Mr. Felton was appointed agent for the settlement of the townships of Ascot, Stoke and Hatley, among others. It was then intended to attract settlers by the offer of a valuable premium, and, accordingly, Mr. Felton was authorised and directed to hold out to every applicant the promise of a free grant of 100 acres of land, upon the sole condition of actual settlement, the clearing of a few acres, and the erection of a dwelling-house upon the land selected. Government required no other consideration for the grant, and Mr. Felton was instructed to locate each applicant, by a permit of occupation, or by a document under his hand called a Location Ticket, the form of which was delivered to him through the surveyor-general. Mr. Felton was bound to certify the performance of the settling duties, and this certificate entitled the applicant to a gratuitous grant. On the other hand, Mr. Felton might withhold the certificate, and thus defeat the claim

claim of the applicant. This was the nature and extent of Mr. Felton's duties, and he was to be remunerated by a grant of five acres for every 100 acres which should be brought under cultivation by settlers located by himself.

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Your committee have not learnt what measures were adopted to give publicity to the powers confided to Mr. Felton. But several of His Majesty's natural born subjects, who have appeared as witnesses, affirm that they applied specifically to Mr. Felton for free grants of land, assuring him that they were prepared to perform the duties of settlement, when such performance was the only condition imposed by the Crown on such grants, and when it was therefore imperative on Mr. Felton to accede to their request. Of those who so applied, your committee would instance Archibald M'Curdy, James Horan, William Dodds, and George Wood, among others, to whose cases your committee would call the attention of your honourable House.

Mr. Felton's situation afforded him ample means of becoming acquainted with the most fertile tracts, as well as with the course of settlement. He also necessarily became acquainted with the choice made by each applicant for land, and he could thus from time to time select for himself not only that land which was naturally the best, but that of which the value had been enhanced by the labours of the earlier settlers. Mr. Felton seems to have availed himself of these opportunities for the purpose of forestalling divers applicants, and to have obtained enormous and excessive grants to the prejudice of many of those whom it was his duty to assist.

He was bound to grant location tickets to such of His Majesty's subjects as were desirous and fit to fulfil the settling duties, and subsequently to secure to the applicants who had accomplished that laborious task, free grants of the land on which they might severally have performed those duties. Yet Mr. Felton, when applied to for free grants on the very conditions specified in his instructions, seems invariably to have denied that he had the power of making such grants, at least in the localities selected by the settlers. He seems, on the contrary, to have resorted to subterfuge to induce, if not to compel, the applicants to purchase land from himself. Many of the sales of land which he so made have been entirely proved by testimony in the handwriting of Mr. Felton; and they are all established by sufficient evidence, generally corroborated and confirmed by his own signature. Of those which have engaged the attention of your committee, a statement is respectfully submitted, specifying the name of the purchaser, the number and range of the lot, the price stipulated, and the amount received by Mr. Felton.

Name of the Buyer.	No.	Range.	Township.	Price.	Amount paid Mr. Felton.
John Dundun - -	E½ 7	4	Ascot -	£. s. d. 56 5 -	£. s. d. 25 17 6
James Horan, & father	14	8	do. -	100 - -	100 - -
Jos. H. Terrill - -	22	8	do. -	15 - -	15 - -
James Parks - -	E½ 15	9	do. -	50 - -	50 - -
James Dundun - -	W½ 15	9	do. -	50 - -	49 2 6
James Duggan - -	W½ 7	4	do. -	50 - -	29 - -
George Wood - -	8	5	do. -	50 - -	18 5 - in money, and a note for 25 l.
Barnaby Martin - -	2-3 of 5	6	do. -	37 10 -	37 10 - N. B. The remaining 50 acres sold to one Fitzge- rald.
W. P. Fisher - -	E part of E½ 8	5	do. -	25 - -	19 6 6 in cash & 10 12 3 by note.
William Dodds - -	11	11	do. -	50 - -	50 - -
Ebenezer Abbott - -	E½ 13	1	do. -	75 - -	Whole amount paid by Samuel Mallory, to whom Mr. Felton sold the land a se- cond time.
Nathaniel Firney, now represented by Zenos Adams.	E½ 28	6	Stoke -	25 - -	25 - -
John Langmead - -	W½ 2	7	Hatley -	37 10 -	37 10 -
Oris Turner - -	14	8	do. -	30 - -	37 17 9
Thomas M. Abbott - -	W½ 23	5	do. -	15 - -	15 - -
Alexander Weir - -	W½ 7	8	Ascott -	50 - -	Some portion paid; precise amount not known, because of the absence of the purchaser.

Your Honourable House will remark, that Mr. Felton generally charged interest upon the price exacted by him, a fact which will account for any apparent discrepancy between the sum stipulated and the amount received by him.

From time to time Mr. Felton transmitted to Government official returns of the locations effected by himself as agent for the settlement of the aforesaid townships, and in these returns the names of all the abovementioned persons are to be found, with the exception of

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Alexander Weir. But your committee consider it unnecessary to refer your honourable House to all these documents, as Mr. Felton has himself, under his own signature, recapitulated the whole, in a document, dated 30th May 1834, filed in the office of the surveyor-general of the province.

This recapitulation is marked No. 10. It accompanies the petition and reference marked No. 11 (to be noticed hereafter), and purports to be a "return of settlers and others who have performed the duties of settlement, and been referred for patents in the townships of Hatley, Orford, Eaton, Stoke, and Dudswell." In this document your honourable House will find the names of John Dundun, James Horan, Joseph H. Terrill, James Parks, James Dundun, James Duggan, George Wood, Barnaby Martin, W. P. Fisher, William Dodds, Ebenezer Abbott, Zenos Adams, Oris Turner, Thomas M. Abbott, William Johnson, Elliot P. Sawyer, Ezra Cole, and of Samuel Ryder. In the document marked No. 9, recorded under the hand of Mr. Felton in the office of the secretary of the province, and intitled, "List of persons who have completed the settlement duties in Hatley, Ascot, Orford and Dudswell," your honourable House will find the name of "John Langmead." It will be seen hereafter that the land purchased from Mr. Felton by Alexander Weir was granted by the Crown to one William Johnson; but, with the exception of Weir, all the abovementioned persons who purchased their land from Mr. Felton are by him distinctly stated "to have performed the settlement duties." He has therefore recommended them or their assigns as fit subjects for the exercise of the Royal bounty, and they are all accordingly included in letters patent, which purport to make to the parties gratuitous grants of the lots by them severally and respectively bought from Mr. Felton. On comparing the preceding statement of sales with Mr. Felton's official returns, and the letters patent issued upon the faith of those returns, the persons and the lots will be found identical.

The cases of Ebenezer Abbott, of William Johnson, and Nathan Parker, merit a separate notice.

The former purchased from Mr. Felton the east half of the lot No. 13, in the first range of Ascot, at the rate of 15s. per acre. Mr. Felton took the purchaser's notes in payment, and these notes, in the writing of Mr. Felton, are appended to this report.

Some time after the period of payment had arrived, Mr. Felton sold the whole lot to one Samuel Mallory, and a bond also in the writing of Mr. Felton, establishing that second sale, is likewise appended. Mallory agreed to pay Mr. Felton the sum of 133*l.* 15*s.* for the lot, in which the half previously sold to Abbott was of course included. Mr. Felton having delivered Abbott's notes to Mallory, the latter returned them to Abbott, the maker, on behalf of Mr. Felton. It must be added that Abbott, being unable to pay the amount of his notes, consented to Mr. Felton's transfer to Mallory; but Abbott never received a location ticket, and he never performed any settling duties; on the contrary, he purchased the land; yet Mr. Felton has returned to Government that Abbott had performed the settling duties, and Abbott has been, on the certificate and recommendation of Mr. Felton, included in letters patent, whereby a gratuitous grant of the said lot, whereof Mr. Felton sold one half to Abbott and the whole to Mallory, is made to Abbott.

Abbott, on his part, paid Mr. Felton 12*l.* 10*s.* and he would seem still to be, by virtue of the letters patent, proprietor of the soil, although Mallory appears to have paid Mr. Felton the price of the whole.

By letters patent, dated 20th November 1830, a gratuitous grant of the west half of Lot No. 7, in the 8th Range of Ascot, is made to one William Johnson. A witness of that name had previously applied to Mr. Felton for a grant of land on the sole performance of the settlement duties, and that gentleman having assured him that he "had no land to give away, but that he had land to sell," Johnson had consented to purchase from Mr. Felton another lot in the 8th range. After the issuing of the letters patent, Johnson applied for information, and Mr. Felton assured him that the grant was not made to him, but to another person of the same name residing in Quebec.

Admitting this to be the fact, Mr. Felton's return to Government must have been incorrect, since the letters patent taken from Mr. Felton's return relate to one William Johnson of Ascot.

But the witness is the only William Johnson who has resided in that township for the last fifteen years; and even if there had been another, it is clearly established, not only that no man of that name, but that no man whatever performed any settling duties on that lot previous to the settlement of one Alexander Weir upon it. Now Mr. Felton has certified that William Johnson of Ascot performed the settlement duties, which it is evident he had not performed, and Mr. Felton has sold the lot so granted to William Johnson of Ascot, to the said Alexander Weir, as set forth in the preceding statement.

Nathan Parker purchased from Mr. Felton several lots of land which he subsequently resold to other persons. Thus he purchased Lot No. 21, in 7th range of Hatley, which he sold to Ezra Cole. He purchased Lots No. 22 and 23, in the same range of Hatley, which he sold to Elliot P. Sawyer; he purchased the east half of No. 14, in the 9th range of Hatley, which he sold to Samuel Ryder, and he purchased Lot No. 1, in the 9th range of Ascot, which he sold to James Parker.

The price paid by Nathan Parker to Mr. Felton averaged 15*l.* a lot, and Parker seems to have made a profit of 10*l.* on each. None of these parties had performed any settling duties; yet Mr. Felton has certified that they had performed them; and accordingly your committee find that the lots so by them respectively purchased from Nathan Parker, are severally conveyed to them by letters patent founded upon the official returns of Mr. Felton that these parties, namely, Cole, Sawyer, Ryder and James Parker, had completed the settling duties. This return and certificate marked No. 9, is signed by Mr. Felton.

By

Correspondence
respecting
Mr. Felton.

By these sales Mr. Felton realized large sums of money, of which he made no return to Government. On the contrary, Mr. Felton has charged and received his commission of five per cent. upon and for the said several grants, as if they had been mere locations made by him in conformity to the letter of his instructions. This fact is clearly established by the petition of Mr. Felton, marked No. 11, dated 24th June 1834, setting forth, "that he was entitled to an allowance of five per cent. in land upon the amount of land actually granted to settlers who established themselves or performed the duties of settlement in the townships under his agency, as appears by the statement certified by the surveyor-general." Now the statement referred to is the abovementioned statement marked No. 10, in which, as has been noticed, Mr. Felton returned and certified that the aforesaid persons to whom he had sold the lots, upon which they or their assigns had severally been located, had performed the settlement duties. On this pretext, Mr. Felton, by his said petition, prayed that his Excellency the then Governor-in-chief, would "be pleased to order the patent to be made out in Mr. Felton's own name for the quantity of 913 acres contained in the land reserved for the agent in the township of Ascot;" and an order was accordingly made for the issuing of the letters patent in favour of Mr. Felton.

Your committee have been supported in the painful labours which have been imposed on them, by the conviction, that the facts admitted of clear and unquestionable testimony; and in the conclusion at which they have arrived, your committee are consoled by the reflection that no doubt of its propriety can be entertained by any man who considers the nature of the evidence. This conclusion, the result of the dispassionate investigation instituted by your committee, is, that Mr. Felton is guilty of oppression, speculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown; that he falsely and fraudulently represented himself to be the proprietor of a great extent of those lands, to which he had in no manner right; that he falsely and fraudulently denied that such land could be gratuitously granted to divers settlers who applied for the same, and were entitled thereto upon the mere performance of the settling duties, and concealed from them that it was his bounden duty to make such grants; that he corruptly and oppressively exacted and received from the said settlers applying for gratuitous grants, large sums of money as the price of land of which he was by his office bound to procure them gratuitous grants.

Your committee have not overlooked the possibility that the lands so sold might have been promised to Mr. Felton at the period of the respective sales in question. Your committee will not deny, that had such promise been made by government, Mr. Felton might have considered the property as virtually his own, and that in fact it would have been competent to him to have disposed of his right for a pecuniary consideration. He could then have justly substituted the purchasers for himself, and have secured to each of them severally a grant directly from the Crown. But Mr. Felton cannot shelter himself under a mere possibility at variance with his own repeated statements, as well as with facts leading undeniably to a different conclusion. In the first place, 15,813 acres of the waste lands of the Crown have been granted to Mr. Felton himself; 10,862 acres have been granted to his children, and 4,800 acres to the other members of his family, making a total of 31,475 acres.

However prodigious the extent of those grants may appear, it is not within the scope of the reference of your committee to canvass the propriety of the exercise of the Royal bounty in the case of Mr. Felton. It suffices for the purpose of this inquiry, to show that not one of the lots sold by Mr. Felton, as detailed in the evidence, is included in the very extensive grants made to himself, or to any other member of his family. And although your honourable House has applied for and obtained a list of all the applications made by that gentleman, and all the correspondence relative thereto, no trace of any design to convey to him, or of any application by him to obtain, any of the lots he so sold, can be found.

But it is evident that the Crown prescribed limits to itself. Previous to the 3d of July 1826, Mr. Felton had received grants amounting to upwards of 5,000 acres, but he appears at that time to have applied for 15,874 acres of wild land for himself and for his children.

Far from acceding to this request, it appears on the contrary, that the government was not disposed to allow him more than 5,013 acres, making a deduction of upwards of 10,000 acres on the claim of Mr. Felton. This fact, in the opinion of your committee, furnishes evidence that the amount then already granted to him was considered sufficient.

While on this branch of the subject, your committee hold it to be their duty to apprise your honourable House, that with the knowledge of the determination of His Majesty's Government to restrict the grant to one-third of the land for which he had applied, Mr. Felton, availing himself of his official character, in effect represented that he was entitled under the despatch in answer to his petition, to the whole amount claimed, and it is a fact that he accordingly procured letters patent to pass the great seal, conveying to him the whole number of acres which he had so claimed.

Fortunately for your committee, they are enabled to inform your honourable House, that two of His Majesty's Secretaries of State for the Colonies have successively expressed opinions touching this part of the conduct of Mr. Felton, in accordance with the views which your committee have been compelled to take and to express. These opinions are embodied in the despatch of the Right Hon. E. G. Stanley, dated Downing-street, 1st of April 1833, and in that of the Right Hon. T. Spring Rice, dated 29th of October 1834, to which despatches your honourable House is respectfully referred.

Mr. Felton, thus knowingly, and your committee must add, fraudulently, exacted and received a grant of 10,000 acres more than it was intended to convey to him, and he retains it to this day.

Correspondence
respecting
Mr. Felton.

But to remove all doubts, your committee would remind your honourable House, that Mr. Felton was entitled to a remuneration of five per cent. upon the grants which he should procure for actual settlers upon their mere performance of settling duties; and that in the list of settlers furnished by Mr. Felton, upon which he claimed and received this remuneration, the names of all the abovementioned applicants whom he induced to purchase land from himself, are enumerated as being entitled to free grants.

It follows then, in the apprehension of your committee, as an inevitable conclusion, that Mr. Felton is guilty of the crimes laid to his charge, whether he was or was not proprietor of the land in question. If the land belonged to Mr. Felton, he could not honestly claim a commission for selling it, nor if the land belonged to the Crown, could he honestly sell it, or convert, as he has done, the price to his own use. But, notwithstanding the enormity of the offence, your committee are bound to express their conviction that he is in truth guilty to the full extent of the last of the said alternatives.

It would appear, that since the date of the letters patent, and the discovery of the fraud, Mr. Felton has expressed a desire to be allowed to purchase the 10,000 acres so erroneously granted to him, and it seems that the administration has acceded to this proposition. It is not within the province of your committee to institute any inquiry into the result of this arrangement, but they may be permitted to express their conviction that it was incumbent on the then administration to have directed the law officers of the Crown to sue out a *scire facias* for vacating and cancelling the letters patent in question, in so far at least as relates to the excessive grant assumed by Mr. Felton.

Your committee finally submit, as the result of their labours, that the Hon. William Bowman Felton, having grossly, dishonestly and oppressively abused the confidence reposed in him by His Majesty's Government, is unworthy and unfit to hold any office under the Crown.

To this conviction your committee are confident that the evidence, and more especially that part of it under the hand of the accused, leads so conclusively as to exclude the possibility of any other opinion. Therefore, your committee, urged no less by a due regard for the honour of the King's Government, than by a sense of justice towards his people in this colony, respectfully suggest, that an humble address be presented to his Excellency the Governor-in-chief, accompanied by all the evidence, praying that his Excellency will be pleased forthwith to remove Mr. Felton from all offices of honour or emolument which he may hold.

All which is nevertheless humbly submitted,

8 January 1836.

(signed) A. Gagy.

LIST of DOCUMENTS referred to in the preceding Report.

- No. 1. Appointment of William Bowman Felton, esq., as agent for the township of Ascot, Eaton, Hatley, Orford and Stoke.
- No. 2. Instructions to agents.
- No. 3. Surveyor-general's letter to W. B. Felton, esq.
- No. 4. Location ticket.
- No. 5. Location ticket.
- No. 6. Extract of letters patent, granting unto W. B. Felton, esq., and others, certain parts and parcels of lands in the townships of Ascot, Brompton, Hatley, Orford, Acton, Roxton, Chester and Blandford.
- No. 7. List of the several grants of land made by Government to the Hon. W. B. Felton, and children.
- No. 8. List of the several grants of land made by Government to sundry grantees in the townships of Ascot, Orford and Hatley.
- No. 9. Lists of persons who have completed the settlement duties in Hatley, Ascot, Orford and Dudswell.
- No. 10. W. B. Felton's return of settlers in the townships of Hatley, Ascot, Orford, Eaton, Stoke and Dudswell.
- No. 11. Petition of W. B. Felton, late agent for several townships, praying for patents for 913 acres of land in Ascot, for agent's per-centage.
- No. 12. List of lands petitioned for by W. B. Felton, for himself and nine children.

(No. 1.)

W. B. Felton's Appointment as Agent.

Sir,
His Excellency the Governor-in-chief having been pleased to confer on you the appointment of agent for superintending the settlement of the townships of Ascot, Eaton, Hatley, Orford and Stoke, I herewith transmit your instructions, to which you will be pleased implicitly to conform.

To William B. Felton, Esq.

I have, &c.

(signed) J. Ready.

(No. 2.)

INSTRUCTIONS TO AGENTS.

Correspondence
respecting
Mr. Felton.

To agent for superintending the settlement of the township of
The Governor-in-chief having been pleased to nominate you to be an agent for superintending the settlement of the township of you are hereby required to comply with the following instructions:—

1. You will make it your first duty to lay off a block of 500 acres for the site of a village, of which 200 acres will be further laid off for a church, school-house, and court-house for a sessions of the peace; the remaining 300 acres, in lots of five acres, to be granted on tickets of occupation, on condition that a comfortable log-house or residence shall be built thereon immediately.

2. The lots to be granted, to be one-half of an ordinary township lot, divided through the centre, not longitudinally, but so as to give to each settler a compact square farm, of about 10 acres by 10.

3. Each applicant producing to you an order in council for a half lot or 105 acres, to receive from you a location ticket, of which printed forms will be furnished you, for the half lot you will assign to him, each settler being entitled to the vacant half lot next after the last preceding certificate, provided he be the first applicant; and no certificate to be granted unless the applicant be on the spot, and ready to commence the performance of the conditions imposed by the location certificate; and you will from time to time, before the expiration thereof, return duplicates of the certificates of location issued by you, into the Surveyor-general's office, to be further proceeded on, according to the regulated system now existing.

4. That every seventh half lot be a clergy reserve, for the six half lots next preceding.

5. Every settler to be held to clear 20 feet of the road on which his lot is situated, before he commences his clearance on the half lot located to him, and within days from the date of his location certificate, and in default of so doing, that his location certificate be void, and the next applicant entitled to such half lot, and that the lot in front of each clergy reserve, to the extent of 20 feet in breadth, next adjoining such clergy reserve, be cleared by the six persons holding the six half lots last located, and preceding such clergy reserve, at the rate of one-sixth part by each.

6. Every person who shall be located shall be held to clear the entire of this half lot, by the depth of one acre from the front, within two years from the date of his location certificate, and in default thereof, shall forfeit his right to the half lot for which he may have been located, but at the same time shall be entitled to his grant of such half lot, upon producing the certificate of the agent of the township in which such lot is situate, on the performance of the above conditions, at any time before the expiration of the two years allowed for the performance of the said conditions.

7. You will take care to reserve ground for by-roads, to communicate from one range to the other, and with the roads running in front of the lots, which by-roads you will lay out at convenient distances from each other.

8. No reserves of particular lots are to be made for the Crown, but in lieu of reserves of every seventh lot, as now practised, you are to refrain from granting such parts of the township under your superintendence as you may think proper to be retained in the power of the Crown, for its future disposition, according to the circumstances accompanying the settlement of that township.

Lastly. You will consider yourself as linked with the office of His Majesty's Surveyor-General, and through him make all your reports or communications to the Governor.

By his Excellency's command,

Castle of St. Lewis, Quebec, 182 .

_____, Civil Secretary.

Supplementary clause proposed to be added to the third article of instructions given to the agents appointed for superintending the settlement of the townships:

"And in order to facilitate such settlers as shall present themselves to you on the spot, being British subjects and of good character, you are hereby authorized to give each individual a permit of occupation, which permit shall be a sufficient security to such applicants for their settling and entering upon their lots, until they shall receive a location ticket from the surveyor-general, upon an order of council for the half lot assigned to each of them by you."

"A list of the individuals, with the numbers and range of the half lots they may be settled on, you will transmit to the civil secretary, to be, as in the fore part of the third clause is already stated, further proceeded on according to the regulated system now existing and as is stated in the latter part of the third clause of your instructions."

(No. 3.)

SURVEYOR-GENERAL'S LETTER TO W. B. Felton, Esq.

Sir,

Surveyor-General's Office, Quebec, 27 March 1822.

As agent for the superintendence of the settlement of the townships of Ascot, Eaton, Hatley, Orford and Stoke, it is expedient to transmit you from this office, for your information and guidance, a diagram of each of those townships, on which are exhibited the lands

Correspondence
respecting
Mr. Felton.

lands which have been granted under letters patent, those more recently located upon certificates of location, with those remaining vacant and grantable in each township.

Also 50 blank location tickets; your having, I presume, the form of the permits of occupation, I do not send you one. It will be necessary to report your progress to this office half monthly, or at your convenience, and consistently with the object in view. For the sake of uniformity, I also furnish you with a form of report.

You will have the goodness to collect (like the other agents) the fees of the surveyor-general, of 7s. 8d. for each location ticket, and transmit the same from time to time. Wishing you every possible success in the settlement of the extensive tract of land under your agency,

I am, &c.

(signed) *Joseph Bouchette,*
Surveyor-General.

William B. Felton, Esq.

(No. 4.)

TICKET of LOCATION.

No.

To

You are hereby authorized to enter upon and occupy the half the lot, No. in the range of the township of on condition that you shall, within days from the date hereof, clear 20 feet of the road on which the half lot hereby allotted to you is situate, and that before you commence your clearance on the said half lot; in default of your doing which, this certificate will be null and void. It is also required, that whenever you may be called upon by the agent for superintending the settlement to assist in clearing the road in front of the clergy reserve, nearest to the lot occupied by you, but not preceding it, you will immediately comply, this road being to be cleared by the six settlers on the lots preceding such clergy reserves; and it is further stipulated that you will clear the entire front of the said half lot by the depth of one acre from the front thereof, within two years from the date of this certificate; and in default of doing which, you shall forfeit your right to the same. You shall, however, be entitled to a grant of such half lot upon producing the certificate of the agent of the performance of the above conditions at any time before the expiration of the two years allowed for the performance of the said conditions.

Given at the township of this day of in the year of our Lord one thousand eight hundred and twenty

Agent for superintending the settlement of the township of

(No. 5.)

TICKET of LOCATION.

No.

THE bearer, being entitled to acres of land, by virtue of an order of the day of 183, I hereby assign to the said on condition that he the said shall immediately settle thereon, and that he or his family do remain thereon for the term of three years from the date of this assignment, and that four acres, at least, of the said land be cleared and cultivated during that period, and that before the expiration of that period a dwelling house be erected on the said land; at the end of which term of three years (provided the said shall have fully complied with the above conditions, but not otherwise,) he shall receive a grant of the said land for him, his heirs or devisees, in due form, on such further terms and conditions as it shall please His Majesty to ordain. And it is hereby further stipulated and provided, that it shall not be lawful for the said to alien, transfer or otherwise dispose of the said land, or any part thereof, or any right or title which the said may claim thereto, by virtue of this assignment, or otherwise, until the expiration of the said term of three years, nor until the said shall have performed all the conditions above specified. And all persons are desired to take notice, that this assignment, and all others of a similar nature, are not transferable by sale, donation or otherwise, on any pretence whatever, except by an act under the signature of the executive council, which is to be indorsed upon this certificate.

Given at the , Quebec, this day of one thousand eight hundred and

Additional Conditions.

And upon this further condition, that if any road shall be directed by the agents of the said township, with the approbation of the Governor-in-chief, and, in his absence, of the Lieutenant-governor, or person administering the government of the province for the time being, to be made in the said township, and the same shall pass through either of the lots to be located or granted by virtue of this report, that the person holding such lot by location certificate shall clear his moiety of the said road through such lot, in the manner and within the term prescribed for ordinary settlers, or surrender and assign such lot to the Crown; and in default of so doing upon demand, the location certificate for such lot or grant thereof, if any shall have been made, shall be null and void; and such lot, by such refusal, shall henceforth revert in His Majesty, his heirs and successors for ever, and be and remain at his or their disposal.

EXTRACT of a REPORT of the COMMITTEE of the whole Council, dated 14 August 1818.

Approved by his Grace the Governor-in-Chief in Council, 29th August 1818.

ON a petition for exemption from personal residence on lands recommended to be granted to the petitioner,

"The committee do humbly report, that the condition of the location ticket being, that he or his family do remain thereon for the period of three years, and that four acres thereof at least be cleared and cultivated during that period, and a dwelling-house erected, they are humbly of opinion that the petitioner is not bound to reside personally upon the land in question, and the performance of the conditions by any persons he may place upon it will be sufficient."

Certified, *W. D. Ryland,*
Assistant-Clerk Executive Council.

(No. 6.)

EXTRACT of LETTERS PATENT bearing date at the Castle of Saint Lewis, in the City of Quebec, the 20th day of November 1830, granting unto William B. Felton, Esq., and others, certain parts and parcels of Land in the Townships of Ascot, Brompton, Hatley, Orford, Acton, Roxton, Chester and Blandford.

"BENJAMIN REXFORD, Ephraim Wadley, Thomas Wadley, George Robinson, William Robinson, George Hart, Simon Kezar, Daniel Lowell, Simon Bean, Artemas Hitchcock, Abraham Rexford, Miram Rexford, Thomas Moore, Thomas Moshure, Samuel Kezar, Charles Burbank, Alphonso Burbank, John Langmead, George Maunsey, Charles Drummond, Boynton Johnson, Elliott P. Sawyer, Ezra Cole, Samuel Ryder, Samuel Rexford, Oris Turner, Oris Turner the younger, Colby Abbott, William Brown, William Peters, Edward Wadley, Stephen Call, Thomas M. Abbott, Moses Bacon the younger, Benjamin Wadley, Ira Chamberlain, William Chamberlain, Joseph Alger, David Jewit, Luther Rexford, James Brown, Edward Williamson and Joseph Merick, of the township of Hatley, situated partly in our district of Montreal and partly in our said district of Three Rivers; Joseph Rousseau, John A. Nichols and Oliver Edwards, of the township of Orford, situated partly in our said district of Montreal and partly in our said district of Three Rivers; Neal Horan, James Horan, Joseph H. Terril, John M'Curdy, Archibald M'Curdy, William Dodds, James Parks, James Dundun, Nathaniel Kendal, William Johnson, Francis Wilcox, Francis Wilcox the younger, and James Duggan, of the township of Ascot, in our said district of Three Rivers."

I do hereby certify the foregoing to be a true extract,

Secretary's-office, Quebec, 9 March 1835.

D. Daly,
Secretary and Registrar.

Correspondence
respecting
Mr. Felton.

(No. 7.)

LIST of the several GRANTS of LAND made by Government to the Hon. *William Bowman Felton, Esq.* and Children.

TOWNSHIPS.	GRANTEES.	LOTS, No.	Range.	Number of Acres.	Date of the Patent.	
Wendover (augmentation.)	- - William B. Felton, esq.	15 & 16 - - -	- - -	200	29 September 1815.	
Ascot - - -	- ditto - - -	14 - - - 5, 10, 27 - - - 4 & 9 - - -	5 8 9	1,800		
Wendover (augmentation.)	- ditto - - -	4, 5, 7 - - - 3 & 17 - - -	10			
Ascot - - -	- ditto - - -	2 & west half of 3 - 1 & 2 - - - 3, 4, 5 - - -	12 13 14	300 400 459	1 July 1818.	
Hatley - - -	- ditto - - -	26 & 27 - - - 22, 25, 26, 28 - - - 21 & 24 1/2 acres from the east end of lot No. 25 - - -	4 5 6	400 800 441		
Ascot - - -	- ditto - - -	25 & 26 - - - 14, 15, 16, 17 - - - 21, 23, 24 - - - 23, 24, 25, 26 - - - 19, 23, 24, 25, 26 - - - 25 & 26 - - - 8 - - - 6 - - - 4 - - - 1 - - - 1 & 2 - - - 19 - - - 3, 4, 5 - - - 8, 14, 26, 27 & 28 - - - 9 - - - 12, 28 - - - 9, 16, 23 - - - 8 - - -	2 3 4 5 6 7 9 10 11 12 14 2 3 4 5 6 7 12 13 13	5,200		31 May 1824.
Ditto - - -	- ditto - - -	4 & 5 - - - 5 - - - 22 - - - 28, 26 - - - 28 - - - 10 - - - 8 - - - 12 - - - 10 - - - 7 - - -	13 13 4 6 4 1 2 9 10 11	3,779		
Brompton - - -	- ditto - - -	22 - - -	4	1,234	20 November 1830.	
Hatley - - -	- ditto - - -	28, 26 - - -	6			
Orford - - -	- ditto - - -	28 - - -	4			
Orford - - -	- ditto - - -	10 - - -	1	600	24 May 1831.	
Ascot - - -	- ditto - - -	8 - - -	2			
Ascot - - -	- ditto - - -	12 - - -	9			
Ascot - - -	- ditto - - -	10 - - -	10	15,813	Total granted to William Bowman Felton, esq. - - - £.	
Ascot - - -	- ditto - - -	7 - - -	11			
Orford - - -	- - William Locker Pickmore Felton. Eliza Felton - Ann Felton - Charlotte Felton - Fanny Felton - Maria Felton - Matilda Felton - Louisa Felton - Octavia Felton -	16, 17, 18, 19, 20 - 16, 17, 18, 19, 20, 21 16, 17, 18, 19, 20, 21 16, 17, 18, 19, 20, 21 22, 23, 24, 25, 26, 27 16, 17, 18, 19, 20, 21 22, 23, 24, 25, 26, 27 16, 17, 18, 19, 20, 21 22, 23, 24, 25, 26, 27	6 7 8 9 9 17 17 18 18	1,135 1,267 1,220 1,195 1,261 1,200 1,182 1,120 1,182	10,862 15,813	20 November 1820.
Orford - - -	- ditto - - -	22, 23, 24, 25, 26, 27	18			
Total granted to the Children of William Bowman Felton, esq.				10,862	Total granted to William Bowman Felton, esq. - - - -	
GENERAL TOTAL - - - £.				26,675		

Certified,

D. Daly, Secretary and Registrar.

(No. 8.)

Correspondence
respecting
Mr. Felton.

LIST of the several GRANTS of LAND made by Government to the undermentioned Grantees.

TOWNSHIPS.	GRANTEES.	LOTS, No.	Range.	Number of Acres.	Date of the Patent.	
Ascot - - -	John Felton - -	East half of No. 1	10	500	29 Sep. 1816.	
		5 & 6 - - -	11			
Ditto - - -	Charles Whitcher -	West half of 1 -	10	500		
		2 - - - - -	10			
		1 - - - - -	11	500		
		3 & 12 - - -	11			
Ditto - - -	Charles Bridgman Felton - -	East end of 8 -	11	500		
		East half of 2 -	11			
		9 - - - - -	12	500		
		2 & 3 - - -	9			
Ditto - - -	William Whitcher -	West half of 2 -	11	500		
		25 - - - - -	1			
Ditto - - -	John Felton - -	24 - - - - -	2	700		
		18 and East half 19 -	3			
Oxford Hatley - - -	Charles B. Felton -	21 - - - - -	6	700	1 July 1818.	
	ditto - - -	23 & 234 acres of East end of 24.	6			
Ascot - - -	Charles Whitcher -	21 & 22 - - -	3	700		
		19 & East half of 22	4			
Ditto - - -	William Whitcher -	West half of No. 22 -	4	700		
		19, 21 & 22 - - -	5			
TOTAL - - -				4,800		

Certified,

D. Daly, Secretary and Registrar.

(No. 9.)

LIST of PERSONS who have completed the Settlement Duties in Hatley, Ascot, Orford and Dodswell.

TOWNSHIPS.	NAMES.	LOT.	RANGE.	ACRES.
Hatley - 1	Benjamin Rexford - - - -	W. 13 6	14	100
2	Ephraim Wadley - - - -	W. 13 8	9	100
3	Thomas Wadley - - - -	E. 13 8	9	100
4	George Robinson - - - -	W. 13 9	9	100
5	William Robinson - - - -	W. 13 10	9	100
6	George Hart - - - -	E. 13 10	9	100
7	Simon Kezar - - - -	No. 26	2	200
8	Daniel Lowell - - - -	W. 13 9	10	100
9	Simon Bean - - - -	No. 28	1	200
10	Artemas Hitchcock - - - -	W. 13 9	8	100
11	Abraham Rexford - - - -	E. 13 9	7	100
12	Miram Rexford - - - -	E. 13 9	10	100
13	Thomas Moore - - - -	W. 13 8	10	100
14	Thomas Moshure - - - -	W. 13 9	7	100
15	Samuel Kezar - - - -	E. 13 9	6	100
16	Charles Burbank - - - -	W. 13 2	5	100
17	Alphonso Burbank - - - -	E. 13 2	5	100
18	John Langmead - - - -	No. 2	7	200
19	George Maunsey - - - -	E. 13 9	9	100
20	Charles Drummond - - - -	W. 13 19	6	100
21	Boynton Johnson - - - -	E. 13 9	14	100
22	} Elliot P. Sawyer - - - -	No. 22	7	135
23		No. 23	7	126
24	Ezra Cole - - - -	No. 21	7	150
25	S. Ryder - - - -	E. 13 14	9	100
26	Samuel Rexford - - - -	No. 7	16	69
27	Oris Turner - - - -	No. 14	8	200
28	Oris Turner, jun. - - - -	W. 13 12	8	100
29	Colby Abbott - - - -	No. 17	7	200

Correspondence
respecting
Mr. Felton.

TOWNSHIPS.	NAMES.	LOT.	RANGE.	ACRES.
Hatley - 30 (cont'd)	William Brown - - - -	N. ½ 3	3	100
	William Peters - - - -	S. ½ 3	3	100
	Edward Wadley - - - -	No. 7	5	53
	Stephen Call - - - -	W. ½ 14	9	100
	Thomas M. Abbott - - - -	W. ½ 23	5	100
	Moses Bacon, jun. - - - -	W. ½ 5	6	100
	Benjamin Wadley - - - -	E. ½ 23	5	100
	Ira Chamberlain - - - -	E. ½ 13	9	100
	William Chamberlain - - - -	No. 14	14	124
	Joseph Alger - - - -	E. ½ 10	8	100
	David Jewitt - - - -	E. ½ 14	7	100
	Luther Rexford - - - -	W. ½ 9	14	100
	James Brown - - - -	W. ½ 19	7	100
	Edward Williamson - - - -	E. ½ 19	7	100
Orford - 1	Joseph Merrick - - - -	W. ½ 16	8	100
	Joseph Rousseau - - - -	N. E. ½ 17	5	93
Ascot - 1	John A. Nichols - - - -	E. ½ 10	3	100
	Oliver Edwards - - - -	W. ½ 10	3	100
	Neal Horan - - - -	E. ½ 14	8	100
	James Horan - - - -	W. ½ 14	8	100
	Joseph H. Terrill - - - -	No. 22	8	75
	John M'Curdy - - - -	E. ½ 2	5	100
	Archibald M'Curdy - - - -	W. ½ 2	5	100
	William Dodds - - - -	No. 11	11	124
	James Parks - - - -	E. ½ 15	9	100
	James Dundun - - - -	W. ½ 15	9	100
	Nathaniel Kendal - - - -	E. ½ 7	8	100
	William Johnson - - - -	W. ½ 7	8	100
	Francis Wilcox - - - -	E. ½ 2	7	100
Francis Wilcox, jun. - - - -	W. ½ 2	7	100	
James Duggan - - - -	W. ½ 7	4	100	

N. B.—All the land now granted in Hatley is of inferior quality, and few of the remnants contain so much as is estimated.

(signed) W. B. Felton.

(A true copy.)

6 May 1828.

D. Daly, Secretary and Registrar.

(No. 10.)

RETURN of SETTLERS and Others who have performed the Duties of Settlement, and been referred for Patents in the Townships of *Hatley, Ascot, Orford, Eaton, Stoke and Dodswell.*

TOWNSHIPS.	NAMES OF LOCATEES.	Part of Lot.	Range.	Acres.
Hatley - -	Edward Remick - - - -	W. ½ No. 8	14	100
	Paige Remick - - - -	W. ½ - 7	14	100
	Benjamin Rexford - - - -	W. ½ - 6	14	100
	Ephraim Wadley - - - -	W. ½ - 8	9	100
	Thomas Wadley - - - -	E. ½ - 8	9	100
	George Robinson - - - -	W. ½ - 9	9	100
	William Robinson - - - -	W. ½ - 10	9	100
	George Hart - - - -	E. ½ - 10	9	100
	Simon Kezar - - - -	- - - 26	2	200
	Daniel Lowell - - - -	W. ½ - 9	10	100
	Simon Bean - - - -	- - - 28	1	200
	Artemas Hitchcock - - - -	W. ½ - 9	8	100
	Abraham Rexford - - - -	E. ½ - 9	7	100
	Miram Rexford - - - -	E. ½ - 9	10	100
	Thomas Moore - - - -	W. ½ - 8	10	100
	Thomas Moshure - - - -	W. ½ - 9	7	100
	Samuel Kezar - - - -	W. ½ - 19	6	100
	Charles Burbank - - - -	W. ½ - 2	5	100
	Alphonso Burbank - - - -	E. ½ - 2	5	100
	George Mounsey - - - -	L. ½ - 9	9	100

Correspondence
respecting
Mr. Felton.

TOWNSHIPS.	NAMES OF LOCATEES.	Part of Lot.	Range.	Acres.
Hatley - - (continued)	Charles Drummond - - - - -	W. ½ - 19	6	100
	Boynton Johnson - - - - -	E. ½ - 9	14	100
	Elliot P. Sawyer - - - - -	22 & 23	7	261
	Ezra Cole - - - - -	21	7	150
	Samuel Ryder - - - - -	E. ½ - 14	9	100
	Samuel Rexford - - - - -	7	16	69
	Oris Turner - - - - -	14	8	200
	Oris Turner, jun. - - - - -	W. ½ - 12	8	100
	Colby, Abbott - - - - -	17	7	200
	William Browne - - - - -	N. ½ - 3	3	100
	William Peters - - - - -	S. ½ - 3	3	100
	Edward Wadley - - - - -	7	5	53
	Stephen Call - - - - -	W. ½ - 14	9	100
	Thomas M. Abbott - - - - -	W. ½ - 23	5	100
	Moses Bacon, jun. - - - - -	W. ½ - 5	6	100
	Benjamin Wadley - - - - -	E. ½ - 23	5	100
	Ira Chamberlain - - - - -	E. ½ - 13	9	100
	William Chamberlain - - - - -	14	14	124
	Joseph Alger - - - - -	E. ½ - 10	8	100
	David Jewitt - - - - -	E. ½ - 14	7	100
	Luther Rexford - - - - -	W. ½ - 9	14	100
	James Brown - - - - -	W. ½ - 19	7	100
	Edward Williamson - - - - -	E. ½ - 19	7	100
	Joseph Merick - - - - -	W. ½ - 16	8	100
	Charles Kilburne - - - - -	2, 3	11	800
		2, 3	12	
		2, 3	13	
	J. M. Mondelet - - - - -	27	6	1,025
		2, 3, 4	14	
		1	15	
	Thomas M'Connell - - - - -	8	8	200
	William Hamilton - - - - -	7, 8, 10, 11, 12.	7	
	Col. Thomas Manners - - - - -	8, 9, 11, E. ½ 12, 15.	13	950
	John La Bore - - - - -	E. ½ No. 13	13	900
	Robert La Bore - - - - -	W. ½ - 13	13	100
	William La Bore - - - - -	W. ½ - 12	13	100
	John Jones - - - - -	14	1	144
	Eli Ives - - - - -	E. ½ - 11	9	100
	Richard Call - - - - -	W. ½ - 13	9	100
	William Oliver - - - - -	E. ½ - 8	14	100
	Lathrop Abbott - - - - -	E. ½ - 15	8	100
	Charles Turner - - - - -	E. ½ - 17	8	100
	Harvey Merriman - - - - -	E. ½ - 15	7	100
	Isaac Ives - - - - -	E. ½ - 14	7	100
	William Thornton - - - - -	E. ½ - 9	8	100
Joseph Ives, jun. - - - - -	W. ½ - 15	7	100	
Joseph Putney - - - - -	E. ½ - 5	6	100	
Colley Abbott - - - - -	18	7	200	
P. R. Johnson - - - - -	14	4	139	
Joseph Merick - - - - -	E. ½ - 16	8	100	
Ascot - -	Neil Horan - - - - -	E. ½ - 14	8	100
	James Horan - - - - -	W. ½ - 14	8	100
	J. H. Terrill - - - - -	22	8	45
	John M'Curdy - - - - -	E. ½ - 2	5	100
	Arcd. M'Curdy - - - - -	W. ½ - 2	5	100
	William Dodds - - - - -	11	11	174
	James Parks - - - - -	E. ½ - 15	9	100
	James Dundun - - - - -	E. ½ - 15	9	100
	Nathaniel Kendal - - - - -	E. ½ - 7	8	100
	William Johnson - - - - -	W. ½ - 7	8	100
	Francis Wilcox - - - - -	2	7	200
	James Duggan - - - - -	W. ½ - 7	4	100
	Charles Whitcher - - - - -	20, 21	2	800
		23, 24	3	
	Barnaby Martin - - - - -	5	6	200
	Thomas Bowne - - - - -	W. ½ - 27	6	100
	Henry Bowne - - - - -	E. ½ - 27	6	100
	George Wood - - - - -	W. ½ - 8	5	100
	James Reed - - - - -	E. ½ - 5	5	100

Correspondence
respecting
Mr. Felton.

TOWNSHIPS.	NAMES OF LOCATEES.	Part of Lot.	Range.	Acres.	
Ascot - (continued)	Ebenezer Abbott - - - -	E. $\frac{1}{2}$ - 13	1	100	
	Hepburne Drummond - - - -	E. $\frac{1}{2}$ - 13	10	100	
	Hepburne Drummond, jun. - - - -	W. $\frac{1}{2}$ - 13	10	100	
	Hugh Drummond - - - -	E. $\frac{1}{2}$ - 15	10	130	
	Thomas Drummond - - - -	W. $\frac{1}{2}$ - 15	10	130	
	John Drummond - - - -	13	11	100	
	Charles Drummond - - - -	14	11	80	
Orford -	James Parker - - - -	1	9	200	
	Samuel Alexander - - - -	E. $\frac{1}{2}$ - 10	7	100	
	Joseph Rousseau - - - -	N.E. $\frac{1}{2}$ - 17	5	143	
Eaton -	John A. Nichols - - - -	E. $\frac{1}{2}$ - 10	3	100	
	Oliver Edwards - - - -	W. $\frac{1}{2}$ - 10	3	100	
	John Ball - - - -	N. $\frac{1}{2}$ - 16	11	100	
	George Taylor - - - -	N. $\frac{1}{2}$ - 17	7	100	
	Guy Taylor - - - -	N. $\frac{1}{2}$ - 18	7	100	
	Charles Hawley - - - -	S. $\frac{1}{2}$ - 20	8	100	
	James Thompson - - - -	S. $\frac{1}{2}$ - 17	8	100	
	Lesnard Ball - - - -	S. $\frac{1}{2}$ - 16	11	100	
	John Spalding - - - -	S. $\frac{1}{2}$ - 17	10	100	
	E. G. Spalding - - - -	N. $\frac{1}{2}$ - 17	10	100	
	William Lowd - - - -	S. $\frac{1}{2}$ - 18	10	100	
	Guy Gamsby - - - -	N. $\frac{1}{2}$ - 20	9	100	
	Richard Boynton - - - -	N. $\frac{1}{2}$ - 19	9	100	
	Tadock Spalding - - - -	N. $\frac{1}{2}$ - 18	10	100	
	Thomas C. Lee - - - -	20, 21, 23, 24	1	800	
	Stoke -	Tenos Adams - - - -	S.E. $\frac{1}{2}$ - 28	6	100
	Dudswell -	Benjamin Westman - - - -	N.W. $\frac{1}{2}$ - 22	6	100
James Westman - - - -		S.E. $\frac{1}{2}$ - 22	6	100	
Elijah Westman - - - -		N.E. $\frac{1}{2}$ - 20	6	100	
James Westman - - - -		20	8	200	
P. A. Barker - - - -		24	1	500	
Ascot -	Windsor Wood - - - -	s.w. $\frac{1}{2}$ of 21, 22	7		
	Parker Fisher - - - -	w. pt. E. $\frac{1}{2}$ - 8	5	50	
	William Woodworth - - - -	E. pt. E. $\frac{1}{2}$ - 8	5	50	
Orford -	John Dundun - - - -	$\frac{1}{2}$ - 5	5	100	
	Peter Gibbon - - - -	E. $\frac{1}{2}$ - 7	4	100	
				58	
				18,275	
				913	

Agency at 5 per cent. - - -

18,275
913

Quebec, 30 May 1834.

(signed) *W. B. Felton*, late Agent.

I do hereby certify that the quantity of land above stated, of 913 acres, is correctly calculated as due to the agent upon his locations of 18,275 acres in the townships of Ascot, Orford, Hatley, Eaton, Stoke and Dudswell.

Surveyor-general's Office,
Quebec, 31 May 1834. }

(signed) *Joseph Bouchette*, H.M.S.G.L.C.

(No. 11.)

PETITION of *William B. Felton*.

To His Excellency the Right Honourable *Matthew Lord Aylmer*, Governor-in-chief,
&c. &c. &c.

The Petition of *William B. Felton*, late Agent for settling the Townships of Hatley, Ascot, Orford, Eaton, Dudswell and Stoke.

Respectfully represents,

That your Excellency's petitioner being entitled to an allowance of five per cent. in land, upon the amount of land actually granted to settlers who established themselves or performed the duties of settlement in the townships under his agency, as appears by the statement certified by the surveyor-general, humbly prays that your Excellency will be pleased to order the patent to be made out for your petitioner in his own name, for the quantity of 913 acres contained in the lands reserved for the agent in the township of Ascot.

And your petitioner, as in duty bound, will ever pray,

Quebec, 30 May 1834.

(signed) *William B. Felton*, late Agent.

On the back of this petition is the following endorsement:—

Correspondence
respecting
Mr. Felton

(No. 3.)—Petition of W. B. Felton, late agent for Hatley, Orford, Ascot, Eaton, Stoke and Dudswell, praying for patents for 913 acres of land in Ascot, for agent's per-centage. Referred for 913 acres of land reserved for the agent in the township of Ascot.

Quebec, 4 June 1834.

(signed) J. D.

Referred to the Attorney-general, the Surveyor-general and auditor of land patents, that letters patent be prepared on the condition of actual settlement and cultivation, as required by His Majesty's Instructions.

By command,

Quebec, 24 June 1834.

(signed) H. Craig, Secretary.

(No. 12.)

LIST of LANDS Petitioned for by William Bowman Felton for himself and Nine children, as ordered in Lord Bathurst's Despatch of the 3d July 1826.

			Acres.	
William Bowman Felton	- Ascot	- Lots Nos. 19	- in the 2d range	200
		3, 4, 5	- 3d	600
		8, 14, 26, 27, 28	- 4th	1,000
		9	- 5th	200
		12, 28	- 6th	400
		9, 16, 23	- 7th	600
		8 (165 acres)	- 12th	165
		4, 5, 6 (214 acres)	- 13th	614
	Brompton	- 22 (272 acres)	- 4th	272
	Hatley	- 28	- 4th	200
		16 (248), 28 (166)	- 6th	414
	Orford	- 10 (148)	- 1st	148
		8	- 2d	200
				Acres 5,013
William Locker Pickmore Felton, Orford	-	Lots Nos. 16, 17, 18, 19, (289) & 20 (246)	- 6th range	1,135
Eliza	- ditto	- 16, 17, 18, 19, 20, 21 (267)	- 7th	1,267
Anne	- ditto	- 16, 17, 18, 19, 20, 21 (224)	- 8th	1,220
Charlotte	- ditto	- 16, 17, 18, 19, 20, 21 (198)	- 9th	1,195
Fanny	- ditto	- 22 (172), 23 (173), 24 (188), 25 (223), 26 (255), 27 (250)	- 9th	1,260
Maria	- ditto	- 16, 17, 18, 19, 20, 21	- 17th	1,200
Matilda	- ditto	- 22, 23, 24, 25, 26, 27 (182)	- 17th	1,182
Louisa	- ditto	- 16 (220), 17, 18, 19, 20, 21	- 18th	1,220
Octavia	- ditto	- 22, 23, 24, 25, 26, & 27 (182)	- 18th	1,182

(signed) William B. Felton.

Certified to be a true Copy,

D. Daly, Sec. and Reg.

On the back of the above document is the following endorsement:—

Referred to the honourable the Attorney-general and the Surveyor-general, that a draught of letters patent may be prepared for 5,013 acres of land in favour of the honourable W. B. Felton, as per report of council, on the condition of actual settlement and cultivation, as required by His Majesty's instructions.

By order of his Excellency the Administrator,

Quebec, 9 March 1829.

(signed) C. Yorke, Sec.

Correspondence
respecting
Mr. Felton.

MINUTES OF EVIDENCE.

Saturday, 21 November 1835.—ELZEAR BEDARD, Esquire, in the Chair.

Mr. *John Dundun*, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the honourable William Bowman Felton for upwards of 12 or 13 years; he resided at a place called Belvidere, in the township of Ascot. In 1830 I was, as I had long been, desirous of becoming proprietor of a lot of land, and having understood that Mr. Felton had land to sell, I called upon him for the purpose of effecting a purchase if I could. After some interviews, I ascertained from Mr. Felton himself, that he was willing to sell me half of lot No. 7, in the fourth range of the township of Ascot, and eventually I concluded for the purchase of the east half of the said lot. The price that Mr. Felton asked was 11 s. 3 d. per acre, but I told him I thought 10 s. per acre sufficient; and he gave as a reason for insisting on 11 s. 3 d., that he had sold the other half to one Duggan; and when I told him that Duggan had only paid 10 s., and that I thought I should have it at the same price, he said, on the contrary, that as Duggan was there before me I ought to pay more, because I should have less trouble than he: eventually I agreed to give him 11 s. 3 d., and he accordingly sold me the said half lot at that price. It was understood between us that I was to make the payments as soon as I could, and that he was to give me my deed as soon as I had paid the whole amount. On that occasion I paid him, on account, the sum of 60 dollars, by a yoke of oxen valued at that price, which I delivered to him in part payment of the price of the land. Upon this agreement between us, Mr. Felton delivered to me, with his own hand, the paper writing which I now produce, and marked (A), to the purport following:—

(A.)

Mr. John Dundun.

You have hereby full authority and permission to occupy the east half of lot No. 7, in the fourth range of the township of Ascot.

Belvidere, 4 Sept. 1830.

William B. Felton.

Received 60 dollars on account,

W. B. Felton.

The receipt at the bottom thereof, for 60 dollars, was given me for the said yoke of oxen. In consequence of this agreement, I settled upon the said lot of land, cleared part of it, and my family are now upon it. I paid to Mr. Felton altogether, including the 60 dollars above-mentioned, the sum of 25 l. 17 s. 6 d. on account of the said land, for which I show his acknowledgment under his hand, marked (B.), and is as followeth:—

(B.)

<i>Cr.</i>	John Dundun's Account :	£.	s.	d.
1 Oct. 1829	- By two days with oxen at Sherbrooke	-	1	-
3 Sept. 1830	- By yoke oxen - - - - -	-	15	-
26 — - -	- By cutting brush, 15 days' labour - - -	-	2	5
2 Dec. 1830	- By 70 cords wood - - - - -	-	5	7
1 April 1831	- By one and a half tons hay, at 30 s. - - -	-	2	5
		£.	25	17
			6	

Belvidere, 18 May 1833.

W. B. Felton.

The whole of the said sum so paid, was paid on account of the purchase of the said land, and Mr. Felton has no other claim against me whatever. Since my said purchase, I learnt that letters patent had issued in my name for the said half lot, and upon application at the office of the provincial secretary, I ascertained that the fact was so. When I bought the land I thought that Mr. Felton had a deed for it; indeed he told me he was the proprietor of the said half lot, and when I hesitated at giving him the price that he required, he declared he was in no hurry about selling his land, and that if I would not pay his price that he would hold it, as others did, and make the most of it. There was never any mention of my performing any settlement duties on the said lot, either as a condition of the sale or otherwise; I was to have the lot for the price which I agreed to pay, and I was entitled to do what I pleased with it. I am a British subject, born in Ireland.

Mr. *James Dundun*, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for 10 or 11 years; he resided at a place called Belvidere, in the township of Ascot. I bought 100 acres of land from him, and I think it was in 1826 I bought the west half of lot No. 15, in the 9th range of the township of Ascot; when I called first he was absent, but one of his brothers told me that if I would leave 100 dollars, he would secure the half lot for me. I accordingly left the money, and I called some time after. He told me (that is, the Hon. W. B. Felton) he had received the 100 dollars which I had left with his brother, and that I might have the half lot upon payment of 10 s. per acre. I considered it a high price, and then demanded a reduction, because he had sold the other half lot for 5 s. per acre, to James Parks; he refused

to

to sell it for less than 10s., telling me that the sale of the other half lot had increased the value of the half that he was selling me, and he would not sell it to me for less than 10s. I accordingly consented to give that price, and I paid him, at different times, 197½ dollars, for which I hold Mr. Felton's receipt marked (C.), and it is as followeth :

Correspondence
respecting
Mr. Felton.

(C.)

\$.	c.
100	-
46	72
46	50
3	-
<hr/>	
196	22
	28
<hr/>	
\$	197 50

Received from James Dundun the sum of One hundred and ninety-seven dollars, fifty cents, in part of \$ 200, in payment of one hundred acres of land, 15 in 9 R. Ascot.

Belvidere, 14 November 1827.

W. B. Felton.

He delivered the said receipt with his own hand. I had had other receipts from him as I paid the instalments, but he gave me this one on my delivering the others to him. He distinctly assured me that the land was his own property, and it was understood that I should get a deed when I had paid the price agreed upon. When last I went to him, he told me that the land was his, although he had never taken out his title for it; and that therefore he would procure me a patent from the Crown, by putting my name in the place of his, as, by getting it out in my name instead of his own, it would save me four dollars or thereabouts; because, he said, that if I bought the land from him, I should have to get the deed of sale by him to me enregistered, which would cost me that money. He never said a word about my performing any settling duties; but he sold me the land to be disposed of by me as my own property. I have since ascertained that the land was directly patented to me. I have never had any other transactions with him, and he has no other claim whatever against me, except the price of the land. I am a British subject, born in Ireland.

Mr. James Duggan, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for upwards of 10 years; he resided at a place called Belvidere, in the township of Ascot. I bought 100 acres of land from him about seven years ago; I bought the west half of lot No. 7, in the 4th range of the township of Ascot. The Hon. W. B. Felton represented himself the proprietor of it, and he sold it to me as such for two dollars an acre. There never was a word said about the performance of any settling duties, but, on the contrary, I affirm positively that he sold me the land as part of his property, which he transferred to me, to be disposed of as I thought fit. I paid 50 dollars on making the agreement. Mr. Felton was displeased at this, and told me I had no business to buy land, if I was not prepared to pay for the same; but I answered that I was a poor man, and he agreed to give me time for the balance on my paying interest. I paid since that time 116 dollars altogether on account of my said purchase, for which I have a receipt under his hand, delivered to me by himself, which I now produce, marked (D.)

(D.)

		£.	s.	d.
21 Dec. 1831.	To Balance due	-	-	32 18 9
4 June 1834.	To Interest due	-	-	4 2 4
				<hr/>
		£.37	1	1
				<hr/>
Jan 1832.	Levi Nichols	-	-	3 5 -
	9 B. Corn, M'Kay	-	-	1 10 -
	3 B. Corn,	} Mounsey	-	- 15 -
	1 B. Wheat,			
June 1834.	Bal. due	-	-	31 11 1
				<hr/>
		£.37	1	1
				<hr/>
	Paid	-	-	12 10 -
	B. Burton	-	-	3 11 3
	Js. Hunting	-	-	7 8 9
	9 B. Corn, M'Kay	-	-	10 -
	Levi Nichols	-	-	3 5 -
	3 B. Corn,	} Mounsey	-	- 15 -
	1 B. Wheat,			
				<hr/>
		£.29	-	-

Note, 15 June 1834, Am. Balance - - £.31 11 1

Correspondence
respecting
Mr. Felton.

The first trees that I cut down on the said lot were cut down in the month of June, and I am positive that there were no settling duties done upon the said half lot before that month; as to the year, it was either six or seven years ago, but I am positive it was not more than seven years ago. The proprietor of the other half lot is John Dundun; he settled upon it after me. When I agreed for the purchase of the land, Mr. Felton gave me a bond for a deed, viz., he was to deliver to me a title transferring the property from him to me, so soon as I should have paid the price. About a year ago last summer, that is, about 15 June 1834, he said he wanted to settle with me, and all the others who had bought land from him; that he was getting old, and that he wanted me and the rest to pay up. I then said that I wanted a deed from him; to which he replied, that he would get me one from Quebec, if I would make him up 20 dollars, and that he would not give it me otherwise. He then took paper, on which he wrote a promissory note, which he requested me to sign, and I accordingly did so. I had the greatest confidence in him at the time, and allowed him to keep the bond for the deed above-mentioned, which he took, saying I should want it no more; he also kept several orders that he had sent to me for articles which I delivered to him at his request, and receipts for payments which I had made on account of my said purchase. I asked him for a memorandum of the sums which I had paid him, and he then delivered the said statement marked (D.) as above. I have never had any other transaction with him, and he has no other claim whatever against me except the price of the land. I learnt by accident, some time last fall, that I had got a patent direct from the Crown for the said land. I am a British subject, born in Ireland.

Mr. *William Johnson*, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for the last 15 years. About 10 years ago I applied to him for a grant of Government land; I heard that he was authorised to make grants to settlers on the performance of settling duties only, and without any payment of money by the settlers; I told him so, and said I wanted a grant on those terms; he answered that he had no land to give away, but that he had land to sell. I believed him, and therefore I offered to buy some, and he agreed to sell me lot No. 8, in the 8th range of Ascot, at the rate of a dollar an acre, and, after a good deal of bargaining, I concluded to bargain for the same. He told me that the land was his, and that he would give me a title as soon as I had paid the price. Thereupon I delivered in provisions and work to the value of about 64 dollars; of that land I got a deed, and I am satisfied of that bargain; but since that time I have learnt that I was included in letters patent for the west half of lot No. 7, in the 8th range, and I applied to Mr. Felton for information respecting that point. He told me the land was not for me, but for a William Johnson in Quebec. I believe that he stated that the William Johnson in question was a servant to Lord Dalhousie. It is now a little more than a year since that conversation occurred. It is very true that I never performed the settling duties, but it is also very true I am the only William Johnson that has resided in the township of Ascot for the last 15 years. It is also true that no William Johnson ever appeared to make settlement duties, or perform any other work on the said lot; I have the means of knowing, because I live on the neighbouring lot. The only man that ever worked upon the said lot was one Alexander Weir and his father. I understood from the son that he had bought the land from Mr. Felton. Weir told me, before he went to work upon the land, that he had bought it from Mr. Felton. This occurred about six years ago. I am positive that not a tree was cut upon the land, and I am also positive that no improvements were made upon the land before the year 1829. I never got a location ticket. I am a British subject, born in Ireland; I served 14 years in the Irish militia.

Mr. *Archibald M'Curdy*, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for the last 18 years. In the course of that time I heard that it was his duty to grant land, without pay, to such of the King's subjects as performed the settling duties. About 17 years ago we wanted land in Ascot, near Sherbrooke, and we asked him for some; he said we could not get any, but he was willing to make us a sale of one of his own lots near Sherbrooke, at the rate of two dollars per acre, provided we consented to make over to him our right to a lot of land at a distance, for which he said he would put in a claim for us. Having full confidence in him, and being ignorant of our rights, we acceded to this bargain. In consequence of this bargain, Mr. Felton gave us a title to lot No. 15, in the 8th range; and my brother and I accordingly settled upon it, and paid up the 100*l.* which we had undertaken to give him. We then believed, from what Mr. Felton told us, that we could not get any other land, and that we could not get any without payment; therefore we took the lot in question upon his own terms. Before he would give us a title, he obliged us to make over to him our claim as above stated; and we have since learnt, by accident, that lot No. 2, in the 5th range, was patented to us. Had we known we could have obtained this last lot, we should have preferred it, because it is much more valuable than the lot we bought, and it is sufficiently near Sherbrooke to suit our purposes. It was in consequence of what he impressed on our minds that we consented to make so bad a bargain. Neither my brother nor myself ever performed any settling duties upon lot No. 2, in the 5th range. We were able-bodied men, and prepared to perform settling duties, and it would have been a much better bargain for us to have done so. I never got a location ticket. I am a British subject, born in Ireland. I served 14 years in the Irish militia, and I showed Mr. Felton my certificate to that effect.

Mr. *James Horan*, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for upwards of 13 years. My father and myself

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myself applied to Mr. Felton for a free grant of land in Ascot; and after some conversation with him, we gathered from him that there was none in that township of which he could make a free grant, although we told him we were ready to perform the settling duties; but he told us that there were five Crown reserves in Ascot, which he was entitled to, and as we had squatted upon a Crown reserve in that township, he would take that one, as one of the five, and would sell it to us at a dollar an acre. The lot is the 14th lot in the 8th range. Eventually we agreed, and purchased the said lot from him at that price; and we have since paid the whole amount. We trusted entirely to him, and we never exacted a receipt. We were ready to perform the settling duties, and would not have made the purchase, if he had not told us that we could not get a free grant in Ascot. I think it was in the latter end of 1822 that we made this bargain. My father died about eight years ago, yet I find that his name and mine are both included in the letters patent of the 20th February 1830. I never got a location ticket. I am a British subject, born in Ireland. I served in the Irish militia 10 years.

Mr. *George Wood*, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton about 15 years. In 1822 I applied to Mr. Felton for a free grant of land in Ascot, stating that I was able and willing to perform the settling duties. He told me there was no land in Ascot of which he could give a grant; but he stated that he would sell me some of his own. It occurred in this way: he told me if 14 persons could be got to go together he would give them a block of land upon the other side of the river. I then understood that he was a Government agent, and as such bound to make free grants on the performance of the settling duties, and he did not deny it: this might be about 1831. About two months after our interview, having in the meantime procured the consent of 14 persons, including myself, I returned to Mr. Felton, showed him a list of the persons, and requested the usual authority to go upon the land; he then informed me it was too late, for that the land had become his own property; and it resulted in his assuring me that there was no land of which he could make us a free grant in Ascot, but that if I wanted land, he would sell us some of his own. I cannot be positive as to the dates, but I am positive as to everything else. I think it was on the 15th October 1832, in consequence of his representations, that I consented to buy from him the west end of lot No. 8, in the 5th range of the township of Ascot, at the rate of 5s. an acre. He said he made it a rule, on selling of his land, to obtain a quarter down, and he insisted on my giving him a note for 20 dollars, which I did. I have since paid up the interest of the debt, and a little more. He consented it should remain upon interest, as he said he did not want the principal. To the best of my knowledge, I believe I have paid him 73 dollars on account of my purchase. For one payment that I have made, I have a receipt under his hand to the following effect, marked (E).

(E.)

Received from Mr. B. Martin the sum of three dollars in stock, to account for 11s. 3d. cash price, for Mr. Wood, in part payment of land.

Belvidere, 16 April 1830.

W. B. Felton.

I have never had any land transactions with Mr. Felton but that. I positively declare that I acquired the said lot by purchase as above stated. About the month of June 1834, I received a message from Mr. Felton, saying that he wanted me, and I accordingly called upon that gentleman; he told me he wanted me, and all the other settlers about the land, to settle with him, in order that he might sell his land to the Land Company. I said I had no money, but that I would give him my note, to which he consented; I accordingly gave him a note for a trifle less than 25 l. (exclusive of the sum which I have already stated I had then paid), which he said was the balance due to him on my said purchase. On that occasion I asked for a memorandum, and he gave me the document herewith produced, and marked (F), to the following effect:—

(F.)

I engage to obtain the title to the west-end of lot No. 8, in the fifth range of Ascot, for and in the name of *George Wood*, upon his demanding the same.

William B. Felton.

I have never had any land transaction with him but that. I am positive that this memorandum was given to me in 1834, at which time I did not know that I was included in the letters patent of the 20th February 1830, by which the said land is patented to me; but I learnt it a day or two afterwards. I am a British subject, born in Ireland. I never got a location ticket. I served in the cavalry in Ireland about four months.

Mr. *Barnaby Martin*, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton upwards of 13 years. Twelve or thirteen years ago I called upon Mr. Felton, and told him that I was ready and willing to perform the settling duties, and wanted a free grant of land. He told me there was none in that township to be freely granted, but that he had some to sell. I was then too poor to buy, and I let the matter run on for a couple of years, when I called upon him again, and after a conversation of similar import he offered to sell me lot No. 5, in the sixth range, which he stated to be his own property, at 11s. 3d. the acre. As I wanted a lot in Ascot, and believed that there was none to be had upon the mere performance of the settling duties, since he told me so, I consented to make the purchase, and it was effected as follows: I

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bought 100 acres at once; afterwards I bought 50 more of the said lot at the same rate. I have since paid the whole price in this manner: my wife has washed during three years for Mr. Felton's family, at half a dollar per dozen, and it was agreed that the payment for the land should be made in this way. I thus acquired the said 150 acres, and no more. But I learn that the whole lot, comprising the 200 acres, has been patented to me, and that I am stated to have performed the settling duties. This is not the case; I never had a location ticket; but, on the contrary, went upon the lot as my own property, in consequence of the said purchase. Before I know that the whole lot was patented to me, I was present at a conversation between Mr. Felton and one Edward Fitzgerald, and I thus learnt from Fitzgerald and Mr. Felton himself, that he had sold the 50 acres which I did not buy, to the said Fitzgerald; and I know that Fitzgerald made improvements upon the said 50 acres so bought by him. Fitzgerald is now in the United States. I am a British subject, born in Ireland; and served two years in the Irish militia, and I told Mr. Felton so.

Mr. James Parks, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton, for upwards of 10 or 12 years. When I first knew him, I asked him whether any land would be given to old country people, and I said I was ready to perform the settling duties; he said that he had no more to give, but that he had some to sell. He said he could sell me the east half of the 15th lot, in the ninth range, if I liked it; he sent me to see it. I returned and said I liked it, and he asked one dollar an acre, which I agreed to give. He then sold it to me for that price, telling me, that as soon as I had paid one quarter, I might go and work upon it, and not before. Accordingly, I delivered him a cow, which he accepted in payment of 20 dollars, and thereupon gave me leave to go upon the lot; it is 11 or 12 years ago. I have since paid him the full amount, and got my deed for it, which he delivered to me with his own hand, and which I now produce, marked (G.)

(G.)

Province of Lower Canada.

I do hereby certify, that in the letters patent, issued under the great seal of this province, bearing date at the Castle of St. Lewis, in the city of Quebec, the 20th day of November, in the year of our Lord 1830, and remaining deposited for ever in the office of the Secretary of the province, granting unto the several persons therein named, their heirs and assigns for ever, in free and common socage, certain parts and parcels of land, situate, lying and being in the townships of Ascot, Brompton, Hatley, Orford, Acton, Roxton, Chester and Blandford, in the said province, James Parks is named as one of the grantees, and that the east half of lot number 15, in the ninth range of the said township of Ascot, is therein and thereby granted unto the said James Parks, his heirs or assigns for ever, in free and common socage.

Secretary's-office, Quebec, }
19 March 1831. }

D. Duly,
Sec. and Regr.

I am told, that the writing on the back is in his handwriting, to the effect following:—
E. ½ of 15 in 9 R. Ascot.

I now produce an account which he delivered to me, and which I saw him write, marked (H.) to the following effect:—

(H.)

1824.	£.	s.	d.	1824.	£.	s.	d.	
To 100 A. at 5 s. - - - -	25	-	-	By a cow to D. Thompson -	5	-	-	
Interest due 1st January 1830 -	4	5	-	Heifer, wt. 376 lbs. at 4d. 3 15 3				
				Less pasturage, 2 months - 6 8				
					3	8	7½	
				11 days at 5 s. - - - -	2	15	-	
				1825.				
				2 days at 5 s. - - - -	-	10	-	
				3 days reaping, 3 s. 9 d. and board	-	11	3	
				2 days potatoes, 2 s. 6 d. and board	-	5	-	
				1826.				
				20 days at 2 s. 6 d. and board -	2	10	-	
				1827.				
				Cow to B. Martin - - - -	4	-	-	
				5 days at 5 s. - - - -	1	5	-	
				1829.				
				Cow to D. Thompson, 14, 75 -	3	13	9	
					23	18	7½	
					5	6	4½	
	£.	29	5	-	£.	29	5	-

This account is a statement of the transaction. I never had any other transaction with him. When he gave me the said deed, he charged me four dollars for the deed, and half a dollar

a dollar for bringing it out of the office, which sum I paid him. I am willing to leave the said documents with the committee, on the condition of their returning them to me. I never got a location ticket. I am a British subject, born in Ireland; and I was four or five years in the militia.

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Mr. *William Parker Fisher*, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton about eight years. About seven years ago I went to him for some land; he told me there was none to be granted, but that he had some to sell. I would have preferred a free grant of land, as I was able to perform the settling duty; but believing what he told me, I agreed to make a purchase from him. I purchased 50 acres at 10 s. per acre, being the east part of the east half of lot No. 8, in the fifth range of the township of Ascot. I was to pay the money before I got the land; but I was to pay one quarter down before he would allow me to go upon the land. I paid him accordingly 25 dollars down, and afterwards I paid him divers sums, which will more fully appear from my account drawn up by Mr. Felton himself in his own handwriting, marked (I.) being as follows:—

(I.)				£.	s.	d.
1829.	July 10.	Sugar and Cask - -	-	4	6	3
1830.	Nov. 30.	One doz. Chairs - -	-	2	14	-
		One doz. Rakes - -	-	1	-	-
		Chair - - - -	-	-	3	-
1831.	Feb. -	100 Buckets - -	-	3	10	-
		2 p. Pails - - -	-	-	8	-
		1 Churn - - - -	-	-	9	-
1832.	Jan. -	1½ Wheat, at 5 s. -	-	-	6	3
1834.	Oct. 27.	2 Cows, at \$14 each	-	12	16	6
			-	7	-	-
				£.	19	16
					6	6

	£.	s.	d.
Sum - - - - -	25	-	-
Balance of Interest, \$21, 75	5	8	9
	30	8	9
	19	16	6
Due 28th Oct. 1834 - £.	10	12	3

W. B. Felton.

Mr. Parker Fisher's account.

The balance in full, 10*l.* 12*s.* 3*d.*, paid by Mr. Fisher's note at one year from this date, 27th October 1834.

W. B. Felton.

Since that time he brought me a certificate of title from Quebec, and he told me that I was to pay for it. He said that he had included it in the note which I gave him upon our settlement, marked (I.) I must add that upon that occasion I gave him a note for 45 dollars in full of the price of the land. I have never had any other transaction with Mr. Felton. I have not the certificate with me, but it is undoubted that I am included in the letters patent with several others, and that this land is patented directly to me by the Crown. I never got a location ticket. I am a British subject, although born in the United States of America.

Monday, 23d November 1835.—BARTHOLOMEW CONRAD AUGUSTUS GUGY, Esq.
in the Chair.

Mr. *Joseph Hazard Terrill*, of the township of Ascot, called in; and being interrogated, answered:—I have lived 34 years in the township of Ascot, in the county of Sherbrooke, and do still. I have known the Hon. William Bowman Felton for about 18 years, that is, since he came to reside in the eastern townships. I applied to Mr. Felton for a free grant of land, to which he replied there was none to be given away, the land all belonged to himself. After that information, that is, in 1824, I bought some land from Mr. Felton; I bought lot No. 24, in the eighth range. I should have preferred a free grant of land upon the mere performance of the settling duties; but supposing it to be Mr. Felton's, and wishing to have that particular lot, I concluded in buying it. Indeed, he told me it was his own property, and that he would sell it to me for a sum which was not above 20*l.* nor under 15*l.* I cannot now recollect the precise sum. At that time I had cleared upon it about two acres. I had done so, thinking it was a public lot, and that I could get a lease of it from the public; that was one particular reason for my preferring that lot, as I had spent both money and

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labour upon it, and it was on that account that I felt desirous to buy it from Mr. Felton, when I learnt that it was his property. I paid him the full price in the fall of 1824. Nearly a year afterwards, finding that I did not get my deed, which deed he had promised to give me when I required it, I applied for some sort of writing, and Mr. Felton gave me the document I now produce, marked (K.) and is as followeth:

(K.)

This may certify that I, the subscriber, have sold Joseph H. Terrill a certain piece or parcel of land, lying in the township of Ascot, known and distinguished by lot No. 22, in the eighth range, and I have received payment in full for the same, and I hereby engage to give to the said Terrill or order a good warrantee deed of said piece or parcel of land any time when required by the said Terrill.

Ascot, 4 July 1825.
No. 22, 8th Range.

W. B. Felton.

(Endorsed) William B. Felton's obligation for land, lot No. 22, in the eighth range.

The signature "W. B. Felton" at the bottom of the said document, is the signature of Mr. Felton, I saw him sign it. Some time afterwards he told me he would get the patent out in my name. At this time I had no suspicion that the land did not belong to Mr. Felton; from my purchase, I understood the land to be transferred to me, and I was not aware that I had any settling duties to perform. When in 1834 I applied for the land, I had not cleared more than two acres. I had built no house or hut upon it; nor have I put up any since. I have since ascertained I am included in the letters patent from the Crown, which purport to make me a free grant of the said lot; I never got a location ticket. I am a British subject, although born in the United States. I am 54 years of age.

Mr. Ebenezer Abbott, of the township of Eaton, called in; and being interrogated, answered:—I lived in Ascot about 12 or 13 years, and now live in the township of Eaton about two years.—I have known Mr. Felton since 1822. I bought the east half of lot No. 13, in the 1st range, and I bargained in 1822 and concluded in 1823. When I first bargained with him, he gave me the paper which I now produce, marked (L.) and is as followeth:

(L.)

I hereby authorise Mr. Ebenezer Abbott to occupy the lot numbered thirteen in the first range of the Township of Ascot, for one year from the date hereof.

Ascot, 1st April 1822.—twenty-two.

W. B. Felton.

I have the other documents which relate to the same, and which I now produce, marked respectively (M.) and (N.) and are as followeth:

(M.)

For value received, I promise to pay to the order of the Honourable William Bowman Felton, the sum of 90 \$ on the 29th day of March 1832, (being three years from the date hereof) with legal interest on the same, to be paid annually. As witness my hand.

Belvidere in Ascot, 29 March 1829.

(Endorsed.) *E. Abbott*, Note for \$ 90 and interest.

(N.)

For and in consideration of the east half of lot No. 13, in the first range of the township of Ascot, to be conveyed or to be caused to be conveyed to me, I promise to pay to the Honourable William Bowman Felton or his order, the sum of \$ 250, with interest on the same, from the date hereof, paid yearly.

Belvidere in Ascot, 29 March 1829.

(Endorsed) Note for \$ 250 and interest.

He told me that the land was his property, and he exacted from me 15 s. per acre for the land, and I consented to pay that sum. The documents (M.) and (N.) are promissory notes, which I gave him in payment of my said purchase: he drew up the notes in his own handwriting and signed them, and delivered them to him so signed at the date thereof; he kept them a couple of years or thereabouts in his own hands, and then returned them to me under the following circumstances: Mr. Felton wrote to me, saying that he wished to put Mr. Samuel Malloreay in his place, if I should consent to it, to which I had no objections; in consequence of this arrangement Mr. Felton delivered to Mr. Malloreay the said documents marked (M.) and (N.) I made a bargain in the meantime with one Oliver Blodget, about the improvements on the lot, and he having made some arrangement with Mr. Malloreay, brought and delivered to me the said promissory notes marked (M.) and (N.) I, on my part, also delivered to him a bond for a deed, which Mr. Felton had given me, at the time of my signing the said two documents marked (M.) and (N.) My reason for consenting to the same was, that I was unable to pay the amount. On that account I lost the land. I had made considerable improvements on the land, but being so situated I sold them for a trifle. The note marked (M.) was given for interest upon my said purchase. The way in which the interest accumulated was this; when I made the purchase in 1823, he gave me

me a bond for the deed, upon my promising to pay the price above mentioned, and the interest had accumulated to \$90 in 1829. I actually paid \$50 and one year's interest upon it, at the time when this bond was given. Oliver Blodget is now in possession of that land. I understood from him he had bought it from Mr. Mallorey; but I have learnt from other quarters, that Mr. Felton had given a deed directly for it. I never got a location ticket for the said lot. I am a British subject, although born in the United States of America.

Mr. *Samuel Mallorey*, of the township of Ascot, called in; and being interrogated, answered:—I have been living in Ascot since 1824, and have known the Honourable William Bowman Felton since 1816. I am the Samuel Mallorey mentioned in the evidence of the last witness, Mr. Ebenezer Abbott; and I am well acquainted with the lot in question. Mr. Felton himself told me he had sold it to Abbott; this was when I applied to Mr. Felton to be allowed to purchase the lot, about, I think, in November 1831. He told that he held Abbott's notes, and I now recognize the documents marked (M.) and (N.) as the promissory notes of the said Abbott, which Mr. Felton put into my hands upon the occasion of my concluding with Mr. Felton the bargain which I am about to explain. I delivered the said notes to Oliver Blodget, who told me that he delivered them to Abbott. My bargain, to the best of my recollection, with Mr. Felton, was to pay him \$535 for the lot. Abbott had only bought the half, but my purchase was of the whole lot, including the lot which Abbott had previously purchased. In virtue of my said bargain, I paid to Mr. Felton several sums of money; firstly, I took up Abbott's two notes marked (M.) and (N.) paying to Mr. Felton the amount thereof; secondly, Mr. Felton gave me the bond now exhibited by me, written by Mr. Felton himself, marked (O.) as follows:

(O.)

Know all men by these presents, that I, William Bowman Felton, of Ascot, am firmly bound unto Mr. Samuel Mallorey in the sum of \$400. to be well and truly paid unto him, his heirs or assigns.

Now the condition of this obligation is such, that whenever the said Samuel Mallorey shall pay unto me the sum of \$100. in neat stock or grain, with interest on the same from the date thereof, paid annually until the term of complete payment, then I shall deed or procure to be conveyed unto him the said Samuel Mallorey the lot No. 13, in the first range of the township of Ascot, in which case this bond is to become void and of no effect, otherwise to remain in full force.

Belvidere, in Ascot, 29 March 1832.

William B. Felton.

I hereby acknowledge to have received the full amount of the above bond this 20th day of July 1835.

(On the back.)

William B. Felton.

Total No. 2178. Deposited for enregistration in the registry-office for the county of Sherbrooke, province L. C. on the 12th day of February, A.D. 1833, at one o'clock afternoon. See Records, vol. vi. page 219.

George Goodhue, Deputy-registrar,
County of Sherbrooke.

Received by one yoke of oxen, 27th December, \$50.

Ascot, 27 December 1834.

(Endorsed.)

William B. Felton.

Hon. W. B. Felton, bond for lot No. 13, in the first range of Ascot, to Sam. Mallory 12th February 1833, 1 P.M.—151—2178, vol. 6, page 219.

I confide in the promise of the committee that this bond will be delivered to me so soon as I require it, and produce it at the request of the committee on that condition, as it is of great importance to me. I paid to Mr. Felton the whole amount of the bond as acknowledged by him on the face thereof, under date of the 20th July last. The several sums of money which I paid to Mr. Felton exceed \$540; they were so paid on account of the said lot, and on account of no other account. With respect to the bond for a deed which Abbott declares that Mr. Felton had given him, I am enabled to state that I saw the bond that I received from Abbott himself, and put it into the hands of Mr. Felton himself. It was somewhat longer than my bond marked (O.) but of similar import, except that it related only to one half of the lot. Although my acquittance bears date in July last, my payments had been made at different times previously, whereof the last was in the month of May preceding. I never got a location ticket. Mr. Felton would not sell me Abbott's half without his consent.

Mr. *Horace Webster*, farmer of the township of Ascot, called in; and being interrogated, answered:—“I have lived about 25 years in Ascot. I have known Mr. Felton since he came to the country. I am agent for one Zenos Adams, who resides in Upper Canada. One Nathaniel Finney bought from Mr. Felton the south-east half of lot No. 28 in the 6th range of Stoke, in or about the year 1829, to the best of my knowledge, at and for 5 s. per acre. I was present when Mr. Finney paid Mr. Felton for the said lot, and I know the fact above stated from what took place, and what Mr. Felton said and admitted on that occasion. Mr. Finney had sold the lot so bought to Phineas Rice Adams, then represented by the said Zenos Adams, and I appeared as the agent of the latter to obtain a title for
220.

Correspondence
respecting
Mr. Felton.

Correspondence
respecting
Mr. Felton.

him from Mr. Felton. On being asked for a deed for my principal, Mr. Felton said he was in too much haste to give the deed, but that he would give me a bond for a deed for Mr. Adams. I insisted on getting the deed itself, but he declined, unless I could produce my power of attorney. This I could not do, as I had left it at home, and he then said, that on that account nothing could be done; and when I said I would return next day, he said he could not attend to it; but he recommended to me to have a patent issued in the name of Mr. Adams, as the expense would be less, and the deed would be better. I knew nothing of the mode of transacting business, and determined on following Mr. Felton's advice. I told him so, and he then gave me a bond drawn up by himself. This bond I will transmit to the committee (as I have left it at home) so soon as I return to my residence, upon the promise of the committee to return it to me. I know that Finney paid Mr. Felton 25 *l.* for the 100 acres, and I know that Phineas Rice Adams had paid Finney. I know to a certainty that the said Zenos Adams never performed any settlement duties on the said lot.

The following is the bond referred to in the preceding evidence, and marked (K.K.)

Know all men by these presents, that I, William Bowman Felton, of Belvidere, in the township of Ascot, province of Lower Canada, am holden and firmly bound unto Zenos Adams, of the township of Esquesing in the province of Upper Canada, in the sum of \$ 500, of which payment to be well and truly made, I hereby bind myself, my heirs, executors and assigns.

The condition of this obligation is such, that if the above bounden William Bowman Felton shall deed or cause to be deeded or patented unto the said Zenos Adams or his lawful attorney that tract of land known and described as the south-west half of the lot No. 28 in the sixth range of lots in the township of Stoke, containing about 100 acres more or less, with the usual allowance for highways, then this obligation is to be void, otherwise to remain in full force and effect.

Belvidere in Ascot, the 8th day of February 1831.

William B. Felton.

(Witness) George Mounsey.
Archd. Wier.

(Endorsed) William B. Felton's Bond for Deed.

Tuesday, 24th November 1835.—ELZEAR BEDARD, Esq., in the Chair.

William Sax, Esq., of Quebec, called in; and examined.

Have you frequently seen the Honourable William Bowman Felton write and sign his name, and have you thereby become acquainted with his handwriting and signature?—I have frequently seen him write, but I do not recollect having seen him sign his name on any particular occasion; but nevertheless I know his signature and handwriting.

Look at the documents now exhibited to you, referred to in the evidence of divers witnesses, produced before this committee, severally marked A, B, C, D, E, F, G, H, I, K, L, M, N, O, and say and declare whether, to the best of your knowledge and belief, the writing and signature of the same respectively be the genuine handwriting and signature of the said Honourable William Bowman Felton; and if they be not all such, please to point out any among them which may not be genuine, to the best of your knowledge and belief?—The several documents marked A, B, C, E, F, I, K, L, O, are to the best of my knowledge and belief, the genuine signatures of the Honourable William Felton, and they are also written by him, except the document marked K. And those marked D, H, M, N, are also in the hand-writing of that gentleman, to the best of my knowledge and belief. The endorsement on the document marked G, is also in his handwriting, to the best of my knowledge and belief.

John Davidson, Esq., called; in and examined.

Have you frequently seen the Honourable William Bowman Felton write and sign his name, and have you thereby become acquainted with his handwriting and signature?—Yes.

Look at the documents now exhibited to you, referred to in the evidence of divers witnesses, produced before this committee, severally marked A, B, C, D, E, F, G, H, I, K, L, M, N, O, and say and declare whether, to the best of your knowledge and belief, the writing and signature of the same respectively, be the genuine handwriting and signature of the said Honourable William Bowman Felton; and if they be not all such, please to point out any among them which may not be genuine, to the best of your knowledge and belief?—The several documents marked A, B, C, E, F, I, K, L, O, are to the best of my knowledge and belief, the genuine signatures of the Honourable William Bowman Felton, and they are also written by him, except the document marked K. And those marked D, H, M, N, are also in the hand-writing of that gentleman, to the best of my knowledge and belief. The endorsement on the document marked G, is also in his handwriting, to the best of my knowledge and belief.

Friday, 27 November 1835.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

Mr. *John Langmead*, of the township of Hatley, farmer, called in; and being interrogated, answered:—The Honourable William Bowman Felton has resided since I have known him, in the township of Ascot, which is about 11 years. I have bought land in Hatley from the Honourable

Honourable William Bowman Felton, as near as I can remember, in 1824. I bought the west half of Lot No. 2. in the seventh range of the township of Hatley. I asked Mr. Felton several times if he would make me a free grant of land on my performing the settling duties; on one of these occasions he promised me a free grant of half the lot, and when I called again and repeated my request, he told me that one-half of the lot was already granted to me, and that the other half of the said lot, which I bought, was his own property, and he offered to sell it to me. Upon this I agreed to purchase the said other half at a dollar and a half per acre. He said then, that he must have one-third of the price cash down, and I accordingly paid \$ 60 on making the bargain. As I had a free grant of the east half, he gave me a receipt for these £. 15, on account of the west half which I so bought. This first payment was made in 1825 or 1826, as well as I can recollect; and I have since paid him \$ 52 ½, and I gave him my note for the balance, which, including interest, amounted to \$ 44 and some pence. I have thus paid him in full. I expected a title transferring the property of the west half of the said lot from Mr. Felton to me; but I heard since, that is, in or about April 1833, I learnt that the letters patent of the 20th November 1830 purport to convey to me a free grant of the whole. My sons never performed any settling duties on the said lot, nor in fact did I. These improvements had been previously made by one Lovejoy, from whom I bought them, previously to my speaking to Mr. Felton, for \$ 600. I acquainted Mr. Felton with this fact. I add, that I had applied for a title from the Crown through Squire Thomas of Melbourne, long before I spoke to Mr. Felton; and that I have reason to be convinced that it was not Mr. Felton who procured me the free grant of the east half of the said lot. I now produce two location tickets given by Mr. Felton to my sons, Bela and Leon, marked (P.) and (Q.) and are as followeth:

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(P.)

TICKET OF LOCATION.

No.

To Bela Langmead.

You are hereby authorised to enter upon and occupy the east half of the lot No. 11, in the 10th range of the township of Hatley, on condition that you shall, within 100 days from the date hereof, clear 20 feet of the road on which the half lot hereby allotted to you is situate, and that before you commence your clearance on the said half lot, in default of your doing which this certificate will be null and void. It is also required that whenever you may be called upon by the agent for superintending the settlement to assist in clearing the road in front of the clergy reserve, nearest to the lot occupied by you, but not preceding it, you will immediately comply, this road being to be cleared by the six settlers on the lots preceding such clergy reserve; and it is further stipulated that you will clear the entire front of the said half lot by the depth of one acre from the front thereof, within two years from the date of this certificate, and in default of doing which you shall forfeit your right to the same. You shall, however, be entitled to a grant of such half lot upon producing the certificate of the agent of the performance of the above conditions, at any time before the expiration of the two years allowed for the performance of the said conditions.

Given at the township of Ascot this 22d day of July, in the year of our Lord 1822.

W. B. Felton,

Agent for superintending the settlement
of the township of Hatley.

(Q.)

TICKET OF LOCATION.

To Leon Langmead.

You are hereby authorised to enter upon and occupy the west half of the lot No. 11, in the 9th range of the township of Hatley, on condition that you shall, within 100 days from the date hereof, clear 20 feet of the road on which the half lot hereby allotted to you is situate, and that before you commence your clearance on the said half lot, in default of your doing which, this certificate will be null and void. It is also required that whenever you may be called upon by the agent for superintending the settlement, to assist in clearing the road in front of the clergy reserve nearest to the lot occupied by you, but not preceding it, you will immediately comply, this road being to be cleared by the six settlers on the lots preceding such clergy reserve; and it is further stipulated, that you will clear the entire front of the said half lot by the depth of one acre from the front thereof within two years from the date of this certificate, and in default of doing which you shall forfeit your right to the same. You shall, however, be entitled to a grant of such half lot upon producing the certificate of the agent of the performance of the above conditions, at any time before the expiration of the two years allowed for the performance of the said conditions.

Given at the township of Ascot this 13th day of December, in the year of our Lord 1824.

W. B. Felton,

Agent for superintending the settlement
of the township of Hatley.

They performed the settling duties, and Mr. Felton took the certificate of their having done so, which was given to my sons by one Simon Kezar. This man was employed by Mr. Felton to inquire and ascertain if the said duties had been performed by directions

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of Mr. Felton, and my sons paid Kezar for so doing, yet my sons have no grant of the said land; and when I applied to Mr. Felton for a grant for my said sons, he said he could not procure them a grant; that he thought it was of no use to apply, for that he thought the Land Company had got the land.

Tuesday, 1 December 1835.

Mr. *Oris Turner*, of the township of Hatley, called in, and being interrogated, answered:— I have known the Honourable William Bowman Felton for 13 years. In 1822 I purchased from Mr. Felton lot No. 14, in the 8th range of Hatley. I agreed to pay him 3s. for each acre. I paid him the whole amount, including interest, and I paid altogether 37*l.* 17*s.* 9*d.* I produce a memorandum in the handwriting of Mr. Felton, marked (R.) establishing the payment of part of the money through Elliot Sawyer, and it is as followeth:

(R.)

Mr. Sawyer pays for Oris Turner 18*l.* 17*s.* 8*d.*, with interest, from 10th November 1831 to 7th March 1832 inclusive.

£.	s.	d.	-	-	-	\$.	c.
18	17	8	-	-	-	75	53
			Interest	-	-	1	54
						77	7

On his note payable with interest, on bond, dated at Belvidere, 8th March 1832.

W. B. Felton.

He sold me the property as being his own, and he handed me the paper I now produce as a bond for a deed. I am positive that it was a regular sale, for I heard Mr. Felton acknowledge that he had sold the land, and had been paid for it. When afterwards I applied for my deed, Mr. Felton said that he would get out the patent in my name, that it would be cheaper and better. He did eventually send me a certificate that the land was patented to me, and charged me 10*s.* 3*d.* for it.

Mr. *Thomas M. Abbott*, of the township of Hatley, called in; and being interrogated, answered:—In 1824 my father, Asa Abbott, bought of Mr. Felton the west half of lot No. 23, in the 5th range of Hatley, at 3*s.* per acre. He paid to Mr. Felton 15*l.* in full, in work, partly done by himself and partly by me; my father sold me the land, and I went with him to Mr. Felton, that my father's transfer might be regular. My father then, that is, 12th April 1823, paid 5*l.* to make up the amount then due to Mr. Felton, and Mr. Felton never said a word about the performance of any settling duties. I understood that I bought the property from him, and expected to get a title from him; but I afterwards found that I was included in letters patent, purporting to make me a free grant, dated 20th November 1830. There were not then two Oris Turners when I bought No. 14 in the 8th range. I did not know that I could get a free grant, and Mr. Felton never told me that I could get a free grant.

The following paper, marked (S.), was produced by the witness:

(S.)

I engage to have the west half of No. 23 in the 5th range of Hatley deeded to Thomas M. Abbott, upon his reasonable request, at any time after January 1829.

Belvidere in Ascot, 12 April 1828.

W. B. Felton.

Dominich Daly, esq., provincial secretary, called in; and being interrogated, answered:— Letters patent under the great seal of the province have issued, dated 20th November 1830, in favour of the Honourable William Bowman Felton, for 5,013 acres for himself, and 10,862 acres for his children, under a claim preferred by himself; and I know of no other authority than the document in my office, which I have produced, marked (No. 12). One John Dundun appears to have received a free grant of land from the Crown, and I will lay before the Committee a certificate of the same, marked (T.)

(T.)

Province of Lower Canada.

I do hereby certify that in the letters patent issued under the great seal of this province, bearing date at the Castle of St. Lewis, in the city of Quebec, the 20th day of December in the year of our Lord 1834, and remaining deposited for ever in the office of the secretary of the province, granting unto John Dundun the grantee, therein named, his heirs and assigns for ever, in free and common socage, certain parts and parcels of land, situate, lying and being in the township of Ascot, in the said province, and that the east half of lot No. 7, in the 4th range of the said township of Ascot, is therein and thereby granted unto the said John Dundun, his heirs or assigns for ever, in free and common socage.

Secretary's Office,
Quebec, 1 December 1835.

D. Daly, Sec. and Reg.

Saturday, 5 December 1835.—ELZEAR BEDARD, Esq., in the Chair.

Correspondence
respecting
Mr. Felton.

William Sax, esq., again called in; and examined:—You have already declared that you were acquainted with the handwriting and signature of the Honourable William Bowman Felton; be pleased to examine the document now exhibited to you, inclosed by the witness Horace Webster, to a member of the committee, purporting to be a bond for a deed by Mr. Felton to one Zenos Adams and marked (K. K.), and say and declare whether or not, to the best of your knowledge and belief, the writing and signature are the writing and signature of the said Honourable W. B. Felton?—To the best of my knowledge and belief the document marked (K. K.) and now exhibited to me, is the signature and handwriting of the Honourable W. B. Felton.

John Davidson, esq., again called in; and examined:—You have already declared that you were acquainted with the handwriting and signature of the Honourable William Bowman Felton; be pleased to examine the document now exhibited to you, inclosed by the witness Horace Webster, to a member of the committee, purporting to be a bond for a deed by Mr. Felton to one Zenos Adams, and marked (K. K.), and say and declare whether or not to the best of your knowledge and belief, the writing and signature are the writing and signature of the said Honourable W. B. Felton?—The document now exhibited to me, and marked (K. K.) in red ink, I have no doubt of its being the genuine signature and handwriting of the Honourable W. B. Felton.

Monday, 7 December 1835.

Mr. Daniel Weir, farmer, of the township of Ascot, called in; and being interrogated, answered:—I am well acquainted with the Honourable William Bowman Felton, and also with William Johnson of Ascot, one of the witnesses examined before this committee. I am his neighbour, he being located on lot No. 8, in the 8th range, and I being located on the west half on lot No. 7, in the 8th range. I only bought that half of the lot: another man of the name of Kendal lives on the east half; my son bought the said west half from Mr. Felton; I know it as well from Mr. Felton himself as from my son, for I have conversed with Mr. Felton on that subject. Mr. Felton told me that he had sold it to my son for 50 l., and I know that my son paid money on account. My son is now absent, having gone to the States some time before the notice to appear here reached our house. Since it has been rumoured that Mr. Felton was accused of misconduct in relation to this lot, Mr. Felton asked me to call upon him, and when I went he informed me that this lot had belonged to one Johnson, an officer's servant in Quebec, who had sold it to Mr. Felton, and to whom Mr. Felton had paid the price. When my son and I purchased the lot from Mr. Felton, which is now about five years, as I think, no settlement duties had been performed on the said lot; there was not even any slashing of the timber, nor any other mark that any man had been upon it with any view to settlement. I can positively say that my son and I were the first people who began to work upon that lot, and that it was in a state of nature when we took possession of it. My son did not get a location ticket; on the contrary, he and I went upon the lot as upon his own property, and we began upon it as having bought it for the sum of 50 l.

Did you present a petition to the Governor-in-chief for a grant of land before you went into the township, or after you arrived there?—No, I asked Mr. Felton to procure me a free grant of land, telling him I was ready to perform settlement duties; to which he answered that he had no land to give, but that he had the lot in question, which was his own, and that he would sell it me; however, he told me that I might have a grant for my son, and for myself too, in the course of some years after, but not at that time. It was that that induced me to buy the said land at that time, because if could have got it as a free grant, I should certainly not have bought it.

Did you obtain an order of the executive council for a grant of land; and if so, what quantity was assigned to you, and in what township?—No; as I found on application to Mr. Felton that there was not land to be granted, I took no further trouble about it.

Were you furnished with a location ticket from the surveyor-general's office?—No.

Did you pay the surveyor-general's fees of 7 s. 8 d. on the location tickets, and to whom was it paid?—No.

Did you receive a location ticket from Mr. Felton?—No.

When you went upon your land, was there any improvement on it; if so, how much land was cleared?—Yes; there were seven or eight acres partly improved, the timber was merely slashed, but it was not cleared; the timber was not burnt, nor even logged.

Was there a house or any other building on the lot?—Yes, a block-house, built after the fashion of the French Canadians, was began, but not finished.

Whom did you pay for the improvements, and how much did you pay for them?—I only paid Mr. Felton.

Did you understand that Mr. Felton put you on the land as agent, or on his account?—Mr. Felton put me upon it as being the proprietor of it, and he sold it to me.

Mr. William Dodds, farmer, of the township of Ascot, called in; and being interrogated, answered:—I know the Honourable William Bowman Felton. About 10 or 11 years ago I bought from him lot No. 11 in the 11th range of Ascot, for 200 dollars, which sum I accordingly paid him, partly in money, and partly in labour. When Mr. Felton sold me that land, he sold it as his own property, and as such that he had the right of transferring it to me. At that time I understood that I was to get a deed from himself, transferring the property from himself to me; but since, I find I am included in letters patent which purport

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to make me a free grant of the said land. I am an Englishman, and I have been 16 years in the country. I bought the land in question from Mr. Felton in 1824.

Did you present a petition to the Governor-in-chief for a grant of land before you went into the township, or after your arrival there?—No.

Did you obtain an order of the executive council for a grant of land; and if so, what quantity was assigned to you, and in what township?—No.

Were you furnished with a location ticket from the surveyor-general's office?—No.

Did you pay the surveyor-general's fee of 7 s. 8 d. on the location tickets, and to whom was it paid?—No.

Did you receive a location ticket from Mr. Felton?—No.

When you went upon your land, was there any improvement upon it; if so, how much land was cleared?—None of it was cleared.

Was there a house, or any other building on the lot?—None.

Whom did you pay for the improvements, and how much did you pay for them?—There were no improvements to be paid for.

Did you understand that Mr. Felton put you on the land as agent, or on his account?—Mr. Felton acted on his own account, and not as agent.

Wednesday, 16th December 1835.—BARTHOLOMEW CONRAD AUGUSTUS GUGY, Esq.,
in the Chair.

Mr. *Nathan Parker*, of the township of Stukely, farmer, called in; and being interrogated, answered:—I formerly resided in Ascot. I have known the Honourable William Bowman Felton 13 or 14 years. I have had considerable dealings with him; I have bought land from him. I bought from Mr. Felton the following lots of land, viz.: lot No. 1, in the 9th range of Ascot, and lots Nos. 21, 22 and 23, in the 7th range, east half of lot No. 14 in the 9th range, No. 7, in the 16th range of the township of Hatley. There never was a word said of the performance of settling duties, nor of a location ticket; on the contrary, he represented the land to be his own, and sold it to me as such, and never gave me a location ticket. I paid him 350 dollars for lot No. 1, in the 9th range of Ascot. I paid him 60 dollars for each of the other lots. The way in which I paid the first-mentioned lot is by order on one William Walker, blacksmith, of Sherbrooke, who settled with Mr. Felton for the amount. I never took a receipt, but I believe I could also establish the other payments. I made these purchases about six or seven years ago. Immediately after buying from Mr. Felton I sold the lands again to the following persons, viz.: I sold lot No. 1, in 7th range of Hatley, to Ezra Cole, for 70 dollars; lots No. 22 and 23, in the 7th range of Hatley, to Elliot P. Sawyer, for 200 dollars, to the best of my recollection; east half of lot No. 14, in the 9th range, to Samuel Ryder, for 80 dollars; and I sold lot No. 1, in the 9th range of Ascot, to James Parker, for 320 dollars; all these people paid me for their several purchases. They went upon the several lots as upon their own property. They were never desired to perform settling duties, and never expected to be called on for any, because they paid their money for the land; yet I find that they have got free grants of those lands, and I presume that Mr. Felton has certified that they had performed settlement duties, because I see that they are included in his return to that effect. I can, however, and so can they, certify to the contrary.

Enclosure No. 2, in Despatch from the Earl of Gosford, dated May 12, 1836.

REMARKS on a Report of a Committee of the House of Assembly, submitted for the consideration of the Members of the Legislature and the Public at large.

It appears by the newspapers, that a committee of the House of Assembly has submitted to that honourable body a report, which if public rumour may be relied on, contains charges of a calumnious and defamatory nature, reflecting on my character and conduct as a public officer.

I have long been aware that certain imputations injurious to my reputation were entertained by the Assembly, and I have anxiously awaited their exhibition, that I might be enabled to meet and refute them.

The charges being directed against me as a public officer, I had a right to expect that communication of them would be made to the executive, but so far as I can learn no petition or complaint on the subject has been brought under the notice of Government.

I had equally a right to expect that the hon. gentleman who brought the complaint before the Assembly would, from his station in the country, have felt it to be courteous at least, if not just, to afford me an opportunity of explaining or vindicating any doubtful point in my conduct, but I have not been favoured with any intimation of a desire on his part to obtain information on the subject; although in noticing an anonymous attack in the newspapers, I professed my readiness to afford any disinterested inquirer all the explanation that could be required; further than this I could not go consistently with my ideas of public duty, conceiving that an officer under Government ought not to answer anonymous accusations in the public journals brought against him in his official capacity; his time and talents belonging to his employer, to whom alone he is responsible for their application, as well as for his official conduct.

It is thus evident that the parties interested in propagating the reports against me did not find it convenient to afford me the opportunity of refuting them.

So soon however as it became known that the committee had made a report to the Assembly, I considered myself authorized to take public notice of it, and I instantly addressed a memorial to his Excellency the Governor-in-chief, praying him to institute an inquiry into the charges, whatever they might be, of which however I had but an imperfect knowledge, for the secrecy of the proceedings in the committee prevented me from ascertaining the scope of the accusation or the evidence on which it was founded.

Having subsequently learnt from public rumour, that one of the charges is a subject that forms the matter of a special grievance, to which allusion had been made in the House of Commons, I felt myself justified in calling upon the Royal Commissioners to take cognizance of it, and to inquire into the particulars connected with it.

If the results of this investigation could be circulated at the same time with the allegations to which they refer, I should count with perfect assurance on the judgment of the public; but it will be impossible for the Governor or the Royal Commissioners to afford me the opportunity of meeting the accusation until they shall have official communication of the charges. In the meantime, by the distribution of the report of the committee, of which the Assembly has ordered 500 copies to be printed, a wide circulation will be given to an accusation which, although false and unfounded, will have the effect of defaming my character as a public officer, and through me, of vilifying the Government which I serve.

In this time of political strife and excitement, men, honest and estimable in other respects, hold themselves absolved from all moral obligation in their conduct towards their political opponents. In their eagerness to crush an adversary, a committee of the Assembly has lent itself to the gratification of private revenge, and has adopted charges brought against the obnoxious individual by the rancour and malice of personal vengeance; forgetful that in profiting by the injury inflicted on him at the expense of truth and justice, they participate in the infamy of the conspiracy by which that object has been accomplished.

To the Assembly which has thus deliberately sanctioned the propagation of a slander, it would be vain to look for justice.

It is under these circumstances that an appeal to the public becomes necessary.

I do not address myself to the feelings, nor do I wish to excite the sympathies of the public; although the persecution to which I am exposed would justify me in seeking their protection; I ask only to be heard.

I shall now proceed to state and answer the charges embodied in the report of the committee, with as much succinctness as may be compatible with a proper understanding of the subject.

The first charge relates to my personal affairs solely. It states that I have been resident in Ascot since the year 1816; that I have dealt largely in land; and that I have received considerable grants of land from the Crown.

To that part of the charge which asserts that I dealt largely in land, I reply that the statement is not merely exaggerated, but absolutely false. I have not dealt largely in land; nor have I even purchased largely, and I have sold but very little. This bold and unqualified assertion of a fact, unsupported by evidence, is a specimen of the fairness and candour of the report.

In respect to the grants of land which I have received from the Crown, the public has a right to know on what grounds they were obtained; to afford this explanation, and at the same time to defeat the intention of my accusers in vilifying my private character, as well as my public conduct, I am compelled, though most reluctantly, to obtrude my personal affairs on the notice of the public. These motives must be my apology for attempting to place in the true point of view the relation in which I stood towards the Government at the time to which the attack on me has reference.

The committee, in stating that I received considerable grants of land from the Crown, would leave it to be inferred that there were no considerations to justify these grants.

They do not think proper to notice the strong claims that I had upon Government for services rendered to the Crown prior to my arrival in the colony, which alone would authorize the bounty of the Crown being extended to me.

The committee makes no mention of the fact, that the original grant of 10,000 acres of land, promised to me before my departure from Europe, but not perfected until some years after, was the condition upon which I agreed to embark my property in the enterprize; and that it was thus a matter of right, not of favour, being in truth nothing more than the completion of a bargain, for which I had paid the equivalent; neither do they make any allusion to the circumstances which appear in the correspondence submitted to the committee, which establish the injury that I sustained in consequence of the Government not performing its engagement in making the grant as promised to me on my arrival in the country; a proceeding which deprived me of some of the lands most important to the success of my settlement; that were given to absentees, who, from that day to the present, have not cleared an acre nor expended a shilling on the grants.

They omit to state, that notwithstanding the breach of the engagement on the part of the Government, the obligations undertaken by me were fulfilled to the letter, before the original promise of the Secretary of State was redeemed; that mine was a solitary instance of the conditions of residence being complied with; and that the capital brought with me was applied to the improvement of the country and the cultivation of the grants.

The next charge brought against me by the committee, is prefaced with a laboured statement, drawn up with all the skill of a practised special pleader, giving an *ex parte* and falsely coloured view of the object of my appointment as agent for Ascot; and it is followed

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by a list of persons to whom it is said that I sold lands which it was my duty to grant to them gratuitously, and that I applied the monies to my own use; some subordinate imputations follow this charge, but they all rest on the same foundation.

I must premise my reply to these allegations by remarking that, in preparing the list of persons to whom I am accused of selling land, the committee has most ingeniously and artfully mixed together the parties who obtained land from me as my labourers, with those who actually bought lands which I was entitled to sell on account of my per-centage; and that in respect to the individual facts brought in support of the accusation, some are untrue, others exaggerated, and all imperfectly stated, inasmuch as they exhibit only so much of each transaction as it suited the purpose of the committee to produce.

But even admitting the general charge in its most exaggerated form, I answer that the very few sales made for money, were of land of which I had a right to dispose on account of my per-centage; and that the others were not sales for money, but transactions with my labourers, in which not a farthing of money was paid by them, but on the contrary where money had been advanced by me to enable them to commence their settlement.

For the proof of my right to give lands to my labourers, I refer to the documentary evidence in possession of the committee; by which it will be seen that after a protracted correspondence with Government, and after the mission of one of my associates to London at a great expense, to establish my claim to the fulfilment of the expectations held out to me by the Colonial Office, a despatch from the Secretary of State authorizes me to obtain for each of my labourers the grant of 100 acres of land; subject, however, to the condition of actual residence and cultivation. The committee has omitted all mention of this authority. Is the suppression of this fact to be attributed to remissness, or design?

I shall now show in detail, some of the exaggerations and the false colouring of the statements prepared by the committee.

It is said that in February 1822, "Mr. Felton was appointed agent for the settlements of Ascot, Stoke and Hatley;" and the committee assert that "it was intended to attract settlers by the offer of a valuable premium;" this inference is wholly gratuitous and unfounded; the absurdity of the notion of attracting settlers by a valuable premium is exposed in another part of the report by the committee themselves, where they describe the duties annexed to the grant as a "laborious task;" the fact is, that at the time when I began to place my labourers on land (in 1817-18), and in that part of the province, no European settler would accept of 100 acres of land in the woods remote from a road, on condition of residence and cultivation; and it was only by making roads at a great expense and by advancing money or clearing a few acres, or setting up buildings, that I could induce my labourers at that time, or for some years after, to become settlers on land; it is true that land has since been held in greater estimation, but it appears rather unreasonable that the change of circumstances and rapid improvement of the new townships of late years, which are much owing to my exertions, should now be made the ground of charges against me.

The real intention and object of my appointment was to enable me to obtain the patents for the land which I was entitled to give to my labourers under the Secretary of State's instructions. If the order for grants to my labourers had been unconditional, I should have obtained patents for them at once, by merely presenting their names; but being qualified by the condition of settlement and cultivation, it was necessary to perform these duties before the patents could be issued; my appointment as agent was, therefore, made and accepted as the formal and official method of giving effect to these views, and the committee had the means of ascertaining this fact if their object had permitted them to make the inquiry. I made no application for the appointment; at that time I was an independent settler, intently occupied with the enterprize that I had undertaken, and not at all disposed to take office under Government: the nomination was spontaneous on the part of the Governor-in-chief; and the letter of appointment was handed to me by the civil secretary on the day after an interview, when Lord Dalhousie signified the intentions that I have described.

It was necessary, however, for the accomplishment of the committee's views, to give a different construction to my appointment, and they accordingly proceed to state that "Mr. Felton was authorized to hold out to every applicant the promise of a free grant of 100 acres of land, upon the sole condition of actual settlement, &c. and was instructed to locate each applicant by a permit of occupation, or by a document under his hand, called a location ticket." Now this is a palpable misrepresentation, intended to support the conclusion of the committee; it is evident that the committee cannot have read the documentary evidence communicated to them by the Governor-in-chief, for they must in that case have noticed that my instructions from the civil secretary, dated 2d February 1822, do not authorize the course of proceeding above mentioned; but they direct me to give location tickets only to persons presenting an order from the executive council.

The committee having prepared the ground by these misrepresentations, erect a charge against me for refusing to make grants "to some of His Majesty's natural born subjects, who professed their readiness to perform the duties of settlement;" and of "having in variably denied that he had the power of making such grants, at least in the localities selected by the settlers."

The remarks on the preceding paragraphs sufficiently explain the object of these charges; the acts complained of being in strict accordance with the instructions, but not in the sense that the committee would explain them.

In respect to having refused the choice of land in particular localities to stranger applicants, not being labourers employed by me, it is to be observed that by the Secretary of State's

State's despatch, my labourers were entitled to the land in the immediate neighbourhood of my own grants, and the lands in Ascot being nearest to me, were of course allotted to them; at the same time all other applicants were allowed as much latitude in the selection of localities most agreeable to them in any other township, as was consistent with the instructions, which direct the agent to assign the lands to them in the order of their application.

The truth is, that in the early period of my settlement, no man would take up a lot unless in very favourable situations, and with some further encouragement than the mere grant of the land.

The committee next says, "That he resorted to this subterfuge (of refusing the choice of localities) to induce applicants to purchase lands from himself."

To support this assertion the committee produce the names of three or four persons who are said to have purchased land from me after being refused free grants; but they omit to notice 150 who took up free grants in despite of this "subterfuge." No blame can attach to me for settling upon my grants, as I was bound to do, persons who preferred buying land to obtaining it gratis. It is clear that some other inducements, such as those above noticed, must have weighed with these persons, for, as purchasers, they must have been perfectly free agents.

The committee then proceeds to state that "many of the sales of land which were so made have been proved by the handwriting of Mr. Felton."

It is unnecessary to notice this remark further than to say, that none of the transactions to which I was a party were done in the dark, nor were intended for concealment, and it is at least a fair presumption that proceedings which do not shun the light are not at variance with my duty.

The committee next exhibit a statement of purchasers, lots and prices of land sold, and also a detailed history of pretended sales and other transactions; on all of which I am ready to go into the fullest inquiry; merely remarking before I leave the subject, that they have shown great dexterity in mingling together, so as to give them the air of resemblance, transactions in themselves essentially different, in the view of exaggerating the sum of complaint.

The committee has gone into very full details on the subject of the claim of a person named Johnston, and in so doing has been made the tool of professional cupidity; the business to which allusion is made having already given rise to legal proceedings, no doubt at the suggestion of one of that honourable body, is now unfairly brought before the public, *pendente lite*; it may be found, however, that the client in this case has probably withheld one important fact at least from the knowledge of his patron.

The committee then assert, that "Mr. Felton has charged and received his commission of five per cent. upon the several grants as if they had been mere locations." Now the fact is that the per centage has not yet been fully received; all that has been received is included in the statement of sales brought forward by the committee; the agent certainly having a right to transfer his interest to that extent; and under the circumstances of my settlement I supposed it to be incumbent on me to establish the lands to which I might become entitled for agency equally with others. As to the amount of the agency, it is admitted by the committee that the list of located lands, amounting to 18,060 acres, and the per-centage due thereon, were certified to be correct by the surveyor-general. This list only includes those settlers for whom patents had been made out, and upon the amount of which agency was due and entitled to patent; but as there are many locations not yet patented, for which agency is accruing (which will be entitled to patent when they are patented), my claim is still open.

Having shown the false colouring put on the evidence by the committee, I proceed to point out the object they had in view; this may be collected from the means they have adopted, which have been, first, the suppression of the contents of an important despatch: next the quotation of factitious documents falsely said to have been communicated to me; and lastly, by the omission of calling upon the surveyor-general for explanation, when they perceived the discrepancy between the fabricated documents which he furnished to the committee in 1835, and the authentic documents sent by the Governor a few days before the committee made their report. All these circumstances betray the intention of keeping out of sight my right to obtain land for my labourers, and of misrepresenting the nature and object of my nomination as agent.

It is possible, and I am willing to allow the committee the benefit of the doubt, that these omissions and suppressions proceed from ignorance of the contents of the papers furnished by the Governor; but in such case the members of the committee subject themselves to the suspicion of not having read those documents; and the report must have been framed without the knowledge of their contents.

The report indeed furnishes internal evidence of this fact, and there can be no doubt that as where there is a determination to convict, it is easy to pronounce sentence, so in this instance, the evidence has been made to suit the judgment. The public may be disposed to acquit the Assembly of any participation in such proceedings; and I am disposed to exonerate even the majority of the committee from that reproach. The Assembly, however, has lent itself to the propagation of the calumny; and the committee has been the instrument of the vindictive feelings of an individual; and it is possible that this honourable individual himself has in his turn become the tool of inferior conspirators.

The origin of the persecution against me is to be traced to feelings growing out of a contest in the election for Sherbrooke.

In the anxiety to procure votes for one of the candidates, a number of my settlers, not well

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well disposed towards him, were tampered with by an individual too contemptible to be brought before the public, to whose malice I had become obnoxious, and expectations were held out to them of obtaining, by the influence of the candidate, free grants for lands which they had acquired through me.

This expectation was founded on the circumstance of the names of the parties being inserted in the patents in the manner I have before explained; and the persons who were thus tempted, being cautiously withheld from communicating with me on the subject, acted under the delusion and voted accordingly.

To redeem the promises made to these people, it was necessary to make out the case at which the committee has laboured, but this could not be accomplished without the assistance of the public officer in whose custody all the documents connected with it were supposed to be lodged.

This officer, whose flagrant negligence and irregular proceedings will entail ruin on many who fancy themselves in the secure possession of goodly farms, and which had necessarily and frequently become the subjects of animadversion from me in the discharge of my official duty, is known to have been early occupied in his office with an honourable member of the committee and another practitioner at the bar, in selecting materials to support this accusation; the result has been the communication to the committee of the Assembly, which sat in February 1835, of fabricated papers, which had never been sent to me as they pretend, and the suppression of a document which would have distinctly shown the true character of all the transactions as I have described them. This document is the account of fees rendered to the surveyor-general in October 1824.

It is possible that the honourable member of the committee was not aware of this circumstance at the time, but the communications since made from the Governor refer to it in such manner as to make it imperative on the committee to have called upon the surveyor-general for explanation.

Having answered the charges brought against me in my capacity of agent for the townships, I shall proceed to explain some points in a charge of more serious character, in which an attempt is made to menpulate the late administration. It is stated "that with the knowledge of the determination of His Majesty's Government to restrict the grants (to Mr. Felton's children) to one-third of the land for which he had applied, Mr. Felton, availing himself of his official character, in effect represented that he was entitled under the despatch in answer to his petition to the whole amount claimed; and it is a fact that he procured letters patent to pass the great seal, conveying to him the whole number of acres which he had claimed;" and "Mr. Felton thus knowingly and fraudulently exacted and received a grant of 10,000 acres more than it was intended to convey to him, and he retains it to this day."

Now the whole of the first part of this statement is a misrepresentation of facts. My petition was presented to Sir James Kempt before the despatch from the Secretary of State was received; Sir James referred to the Secretary of State, and I took no further steps whatever to forward the patents after presenting my petition. All the proceedings subsequent to the receipt of the despatch conveying the refusal of the Secretary of State to grant the larger quantity of land, were made by the civil secretary of Sir James Kempt, without reference to me. These circumstances are so fully detailed in the correspondence submitted to the Assembly, that it is surprising that the committee could hazard assertions so completely at variance with them.

The charge of "fraudulently receiving a grant" cannot surely apply to the case wherein the party could exert no agency nor influence over the proceedings. The fact is, that during the administration of Sir James Kempt, I had no official charge of any of the proceedings relating to the preparation of patents; and it was not until I was called upon for payment of the fees that I became aware that the draft of the patent had reached the Provincial Secretary's office. If I could by any possibility have had any influence in preparing patents, different from the intentions of the Governor, it must have been with the connivance of the Attorney-general. The Honourable James Stewart was Attorney-general at that time, and, if necessary, the testimony of that gentleman could be brought to show that he received the order from the Civil Secretary (Col. Yorke), and that he returned the draft, when prepared, to that officer, by whom it was sent for engrossing, to the secretary of the province.

In respect to the lands being yet in my possession by the omission of the late administration to issue a writ of *scire facias*, I can only say that I offered no resistance to the measures that the Government thought proper to adopt; the King's Attorney-general most probably saw good cause for not adopting the course pointed out by the committee; and the subsequent proceedings are all of a character to preserve the public interests, and give full effect to the instructions of the Secretary of State.

In conclusion, I must observe that the public being now in possession of the correspondence relating to this transaction, will, by comparison of the facts therein stated, be enabled to appreciate the spirit and the misrepresentations which pervade the report.

Quebec, 25th Jan. 1836.

William B. Felton.

Enclosure No. 3, in Despatch from the Earl of Gosford, dated 12 May 1836.

Correspondence
respecting
Mr. Felton.

TO His Excellency the Right Honourable *Archibald, Earl of Gosford, &c. &c. &c.*

May it please Your Excellency,

We, His Majesty's dutiful and loyal subjects, the Commons of Lower Canada, in provincial parliament assembled, humbly approach your Excellency for the purpose of representing:—

That after a full, calm and dispassionate investigation of the charges brought against the Honourable William Bowman Felton, in his public character as agent for the settlement of the townships of Ascot, Eaton, Hatley, Orford and Stoke, and after having received and maturely weighed the multitudinous and irrefragable evidence adduced in support of those charges, the conviction has been irresistibly forced on us, that the said Honourable William Bowman Felton has grossly, dishonestly and oppressively abused the confidence reposed in him by His Majesty's Government, and is unfit to hold office under the Crown.

Because it is established by evidence under the hand of the said Hon. William Bowman Felton himself, explained and elucidated indeed by other and conclusive testimony, but sufficient in itself alone to establish all the facts alleged in the said charges: That the said William Bowman Felton has been guilty of oppression, speculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown; that he falsely and fraudulently represented himself to be the proprietor of a great extent of those lands to which he had no manner of right; that he falsely and fraudulently denied that such lands could be gratuitously granted to divers settlers who applied for and were entitled thereto upon the mere performance of the settling duties, and concealed from them that it was his bounden duty to make such grants; that he corruptly and oppressively exacted and received from the said settlers, applying for and entitled to gratuitous grants, large sums of money as the price of land which he sold as belonging to himself, which was in fact the property of the Crown, and of which he was by his office bound to procure them gratuitous grants; and that he knowingly and fraudulently exacted and received from His Majesty's Government a grant of 10,000 acres more than it was intended to convey to him; and that he designed to retain the same, although it would appear that he was subsequently compelled to make some kind of restitution.

We further submit for the consideration of your Excellency, a copy of the report of the special committee by whom the investigation was conducted, and of the evidence taken by them; and we beg leave respectfully to solicit your Excellency's attention to the serious nature of the charges against the said Hon. William Bowman Felton, and the indubitable evidence by which they have been supported and proved.

Wherefore we humbly pray that your Excellency will render manifest to the people of this province, that honesty and good faith are among the essential requisites of fitness for public office under His Majesty's Government, by forthwith removing the said Hon. William Bowman Felton from all offices of honour or emolument which he may hold by commission during pleasure.

(signed) *L. J. Papineau*, Speaker of the House of Assembly.

House of Assembly, Quebec, 19th February 1836.

Ordered, that Mr. Gagy, Mr. Blackburn, Mr. Moore, and Mr. Baker do present the said address to his Excellency the Governor-in-chief.

Attest.

(signed) *Wm. B. Lindsay*, Clerk of the Assembly.

Enclosure No. 4, in Despatch from the Earl of Gosford, dated 12 May 1836.

Gentlemen,

I AM sensible of the seriousness of the charges which accompany this address, and of the weight of the evidence adduced in support of them; but until the party accused shall have offered his defence, which he has been called upon to furnish without delay, the time is not arrived when a conclusion can, with propriety, be adopted by the Government. Some of the accusations appear to me to contain allegations of fraud, requiring the decision of a court of justice, and I shall take the opinion of my responsible legal advisers on the subject. Upon obtaining their report, and as soon as the required explanation from the accused shall be received, I will not fail to take the best means in my power for obtaining a just and speedy determination of the case.

Castle of St. Lewis, Quebec, 1st March 1836.

Enclosure No. 5, in Despatch from the Earl of Gosford, dated 12 May 1836.

Sir,

Montreal, 5th March 1836.

WE have been honoured with the commands of his Excellency the Governor-in-chief, signified in your letter of the 2d March instant, expressing his Excellency's desire to obtain as soon as possible the opinions of the law-officers of the Crown upon the charges preferred by the House of Assembly against the Hon. William Bowman Felton, for which purpose you transmitted to us a copy of the address received by his Excellency from the House of Assembly, his Excellency's answer thereto, and the report of the special committee, upon which the address is founded.

Correspondence
respecting
Mr. Felton.

His Excellency being desirous, as stated in your letter, that this matter should be brought to a just and speedy determination, has been pleased to require our opinion, whether, upon the case as exhibited in the report and evidence submitted to us, there are any, and what grounds for sustaining a public prosecution or other legal proceedings against Mr. Felton. We have therefore perused the documents so transmitted, and considered the charges preferred against Mr. Felton, and the evidence adduced in support of them.

Without entering upon the delicate question as to the weight to be given to evidence not taken under oath, we would respectfully state as our opinion, that taking the evidence to be such as would be received by a grand jury, there are grounds set forth in the report and in the documents brought forward in its support, for a criminal prosecution of Mr. Felton as a public officer for selling lands as his own, which it is said belonged to the Government, for effecting the settlement of which lands he was entitled to and did claim and receive from the Government suitable remuneration.

From the want of any other constitutional tribunal for the trial of such offences, we can only advise his Excellency to come to an investigation of the conduct of Mr. Felton through indictment before the Court of King's Bench, having criminal jurisdiction; but we beg leave to bring under the consideration of his Excellency, that in pursuance of the course usually followed in the exercise of our official duties, we do not institute any criminal prosecution without a formal accusation, founded upon depositions taken under oath, unless His Majesty's Government be pleased to command the presentation of an indictment without preliminary evidence of that nature.

We have, &c.

(signed) *C. R. Ogden*, Attorney-general.
M. O'Sullivan, Solicitor-general.

Stephen Walcott, Esquire.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 2 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th May, transmitting the second Report of the Standing Committee of Grievances, and various other documents connected with the charges which have been brought against Mr. Felton for extortion and peculation in his office of agent for the settlement of various townships in Lower Canada. I have to express my approbation of the measures adopted by your Lordship for subjecting Mr. Felton's conduct in this matter to the test of a judicial inquiry, but until the result of that inquiry shall be known, I shall of course abstain from expressing any further opinion on the subject.

I am, &c.

(signed) *Glenelg*.

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 14 June 1836.

WITH reference to my despatch of the 12th ultimo, wherein I informed your Lordship, that acting upon the opinion and advice of the law officers of the Crown, I had directed a special commission of oyer and terminer to issue for the trial of such of the charges preferred by the House of Assembly against Mr. Felton as might be found to be susceptible of a legal investigation, I have now the honour to acquaint your Lordship that this proceeding will not take place.

It appears from a subsequent report of the Attorney and Solicitor General that the ground on which they conceived that a public prosecution could be maintained against Mr. Felton, was the circumstance of his having, as stated in the report of the special committee of the House of Assembly, actually received 913 acres of land claimed by him for agency in settling the townships mentioned in the report; whereas it is found on investigation that no letters patent have yet been issued conveying to Mr. Felton a title to this land, and in the opinion of the law officers this fact subverts the supposed ground for a criminal prosecution. On learning this, I again called on them to state whether, assuming to be true the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them, there existed any ground on which a legal prosecution could be maintained against him for obtaining money under false pretences, or for selling for his own benefit land which under

Enclosures,
Nos. 7 & 8.

Enclosure, No 9

under his instructions as Government agent he ought gratuitously to have assigned to those who applied for it. This question was answered in the negative; and having thus ascertained that none of the charges against Mr. Felton were cognizable by a court of law, I determined at once to take the whole case into my own hands, and after affording to that gentleman the most ample opportunity for explanation, to adopt such measures as the true nature of the transactions might require; for I conceive that the mere circumstance of no letters patent having been issued, does not in any degree affect the moral character of the question.

I should acquaint your Lordship that Mr. Felton has transmitted to me the explanation which I had called upon him to furnish, a copy of which I now enclose; but as it was prepared under the impression that a criminal prosecution was hanging over him, he may not have deemed it advisable to make so complete and unreserved an exposition of his case as he might have wished to offer had no legal proceedings been in contemplation. I thought it but just, therefore, before coming to any decision, to afford him an opportunity of supplying any observations and proofs which the apprehension of a trial at law may have induced him to withhold. On receiving his answer, I shall give the case my immediate and most attentive consideration, and your Lordship shall receive the earliest intimation of the opinion I may form, and of the steps which I may conceive it proper to adopt in this matter.

In the meantime I have the honour to transmit for your information copies of the various official communications, 12 in number, that have passed on this subject since the date of my despatch of the 12th ultimo, and I trust that the course I have pursued will be found to be in unison with the views of His Majesty's Government, as expressed in your Lordship's despatch of the 5th ultimo, No. 79, which reached me yesterday.

I have, &c.
(signed) *Gosford.*

Enclosures, Nos. 1 to 12, in preceding Despatch.

No. 1.

Enclosures,
Nos. 1 to 12.

Sir,

Castle of St. Lewis, Quebec, 31 March 1836.

THE Governor-in-chief being very desirous that such of the charges perferred by the House of Assembly against public officers as are capable of a legal investigation, and are cognizable within the district of Three Rivers, should be proceeded upon with the least possible delay, his Excellency has commanded me to request you to prepare the necessary commission to convene a court of oyer and terminer and general gaol delivery, to be held at Three Rivers; and as he understands that for various public reasons it cannot conveniently be called together at an earlier period than the 21st of May next, he has directed me to fix that time for assembling the court; and it is his wish that you should avail yourself of that opportunity to proceed in the matters connected with the Indian Stream outrages.

I have, &c.

To the Attorney-General,
Quebec.

(signed) *S. Walcott, Civil Secretary.*

No. 2.

Sir,

Castle of St. Lewis, Quebec, 10 May 1836.

REFERRING to my letter of the 31st of March last, I have now the honour to inform you that it is the desire of his Excellency the Governor-in-chief that in preparing the commission therein mentioned for convening a court of oyer and terminer, you will insert the names of all the judges of His Majesty's Court of King's Bench in this province, of whom not less than two may form a quorum, and state that the court will be held within the district of Three Rivers generally, leaving the appointment of the time and place of meeting to the judges.

I have, &c.

To the Attorney-general,
Quebec.

(signed) *S. Walcott, Civil Secretary.*

No. 3.

Sir,

Quebec, 12 May 1836.

HAVING been honoured with your letter of yesterday's date, conveying to me the commands of his Excellency the Governor-in-chief, informing me that it is the desire of his Excellency that in preparing the commission therein mentioned for convening a court of oyer and terminer, I should insert the names of all the judges in this province, of whom not less than

Enclosure, No. 10.

Enclosure, No. 11.

Enclosure, No. 12.

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respecting
Mr. Felton.

two may form a quorum, and to state that the court shall be held within the district of Three Rivers generally, leaving the appointment of the time and place of meeting to the judges. Before giving effect to the commands of his Excellency I deem it to be my duty to bring under his Excellency's notice certain considerations connected with the report which I had, in conjunction with my learned friend the solicitor-general, the honour to make on the 5th March last, wherein we stated that taking the evidence to be such as would be received by a grand jury, there were grounds set forth in the report of the Assembly, and in the documents brought forward in its support, for a criminal prosecution of Mr. Felton as a public officer, for selling lands as his own which it is there said belonged to the Government, for effecting the settlement of which lands he was entitled to and did charge and receive from the Government suitable remuneration, to wit, a commission of five per cent. As the report of the committee of the Assembly is silent as to where it was that Mr. Felton made this claim of five per cent., to wit, for 913 acres of land, it becomes important, before the commission of oyer and terminer issues for the district of Three Rivers, to ascertain this fact, and if in writing (by letter or otherwise), that I should be furnished with it, as also with a copy (certified) of the letters patent, making the grant to Mr. Felton of the 913 acres in question.

I have, &c.

Stephen Walcott, Esq.,
Secretary, &c. &c.

(signed) C. R. Ogden, Attorney-general.

No. 4.

Sir,

Castle of St. Lewis, Quebec, 20 May 1836.

Sic. I AM directed by the Governor-in-chief to request you to report forthwith, for his Excellency's information, whether any and what steps have been taken upon a reference granted by order of his Excellency, Lord Aylmer, on the 24th of June 1834, authorizing letters patent to be prepared, granting to Mr. Felton 913 acres of land, on his petition of the 30th of May 1834; and if no steps have been taken, I am now to request you to state the reason of the omission.

I have, &c.

To the Surveyor-general,
Quebec.

(signed) S. Walcott, Civil Secretary.

No. 5.

Sir,

Surveyor-general's Office, Quebec, 20 May 1836.

Sic. IN obedience to the commands of the Governor-in-chief requesting me to report forthwith, for his Excellency's information, whether any and what steps have been taken upon a reference granted by order of his Excellency, Lord Aylmer, on the 20th June 1834, authorizing letters patent to be prepared, granting to Mr. Felton 913 acres of land, on his petition of the 30th of May 1834; and if no steps have been taken, to state the reason of the omission.

I have the honour respectfully to state, for the information of his Excellency, that there has been no omission on the part of this office; that the delay which has occurred in the preparation of the usual appropriations upon the above reference arises from there being no lots selected or specified in the petition alluded to of the 30th May 1834, nor in the reference, although it has been named to Mr. Felton in this office, to furnish a specification to that effect, which he has always neglected to do, and consequently the proceedings upon the reference in question have been unavoidably protracted, with the perfect knowledge of Mr. Felton.

I have, &c.

Stephen Walcott, Esq.,
Secretary.

(signed) Jos. Bouchette, Surveyor-general.

No. 6.

Sir,

Castle St. Lewis, Quebec, 20 May 1836.

WITH reference to your letter of the 12th inst., desiring to be informed where Mr. Felton made his claim for 913 acres of land for his remuneration by way of commission for effecting the settlement of lands, and also the particulars of the patent granting these 913 acres to Mr. Felton, I have now the honour to acquaint you that his petition for the lands for his commission is dated Quebec, 30th May 1834, and the enclosed copies of my letter to the surveyor-general on the subject, with his answer, show that no letters patent have yet issued for that claim.

I have, &c.

The Attorney-general.

(signed) S. Walcott, Civil Secretary.

No. 7.

Sir,

Montreal, 30 May 1836.

I HAD the honour to receive your letter of the 20th inst., as I was leaving Quebec for this city, acquainting me, in answer to my letter of the 12th May, addressed to you, requesting to

to be informed where Mr. Felton made his claim for 913 acres of land as a per-centage, and to be furnished with a copy of the letters patent conveying the same to him,—that no letters patent had yet issued for that claim; and I now beg leave to inclose, for the information of his Excellency the Governor-in-chief, a joint report of the solicitor-general and myself, to which the fact of no letters patent having been issued has given rise, and which, I humbly presume, will lead his Excellency to consider the convening of a court of oyer and terminer for the prosecution of Mr. Felton, as directed by your letters of the 31st March last, and the 11th of May instant, as inexpedient.

Correspondence
respecting
Mr. Felton.

I have, &c.

(signed) C. R. Ogden, Attorney-general.

S. Walcott, Esq., &c. &c. &c.

No. 8.

Montreal, 30 May 1830.

Sir,

HAVING, with reference to your letter to the attorney-general of the 20th instant, reconsidered the opinion which, in obedience to the commands of his Excellency the Governor-in-chief, we had the honour to transmit to you on the 5th March last, wherein we stated that, taking the evidence reported by the special committee of the Assembly instructed to prosecute the inquiry into the public character and conduct of the Hon. W. B. Felton, to be such as would be received by a grand jury, there were grounds set forth in the report, and in the documents brought forward in its support, for a criminal prosecution of Mr. Felton as a public officer, for selling lands as his own, which, it is said, belonged to the Government, for effecting the settlement of which lands he was entitled to and did claim and receive from the Government suitable remuneration; we have now the honour to report, for his Excellency's information, that the fact communicated by you in your letter of the 20th inst., that no letters patent have been issued conveying to Mr. Felton the 913 acres of land claimed by him as his per-centage, and which it is stated in the report of the special committee "he received," subverts, in our opinion, the supposed ground for a criminal prosecution of Mr. Felton.

We have, &c.

(signed) C. R. Ogden, Attorney-general.
M. O'Sullivan, Solicitor-general.

S. Walcott, Esq., Civil Secretary.

No. 9.

Castle, St. Lewis, Quebec, 8 June 1836.

Gentlemen,

WITH reference to your joint report of the 30th in Mr. Felton's case, wherein you state that the fact communicated in my letter of the 20th ult., that no letters patent have been issued conveying to Mr. Felton the 913 acres of land claimed by him as his per-centage, subverts in your opinion the supposed ground for a criminal prosecution of Mr. Felton; His Excellency the Governor-in-chief has commanded me to request that you will state for his information whether, assuming to be true the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them contained in the 2d report of the standing committee of grievances, there exists any ground on which a legal prosecution by the Government could be maintained against that gentleman for obtaining money under false pretences, or for selling for his own benefit land which, under his instructions as Government agent, he ought to have settled without asking and receiving from those who demanded it, any remuneration as the price of such land.

I have, &c.

The Attorney and Solicitor General. (signed) S. Walcott, Civil Secretary.

No. 10.

11th June 1835.

Sir,

WE had the honour to receive your letter of the 8th inst., conveying to us the commands of his Excellency the Governor-in-chief that we should state, for his information, whether, assuming to be true the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them contained in the 2d report of the standing committee of grievances, there exists any ground on which a legal prosecution by the Government could be maintained against that gentleman for obtaining money under false pretences, or for selling for his own benefit land which, under his instructions as Government agent, he ought to have settled without asking and receiving from those who demanded it, any remuneration as the price of such land.

In obedience to his Excellency's commands, we have the honour to report that assuming as true, with the modification produced by your letter of the 20th ult., the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them, as contained in the 2d report of the standing committee of grievances, we think that they do not establish a case within the statute 30 Geo. 3, c. 24; and we are therefore humbly of opinion that there exists no ground on which a criminal prosecution could

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could be maintained against that gentleman for obtaining money under false pretences. The persons who have been wronged have a civil remedy for the redress of the injury they have sustained.

We have, &c.

(signed) *C. R. Ogden, Attorney-general.*
M. O'Sullivan, Solicitor-general.

The Civil Secretary.

No. 11.

Sir,

Quebec, 16 May 1836.

In obedience to the commands of his Excellency the Earl of Gosford to furnish such remarks as I might wish to offer on the report of a committee of the Assembly called "The Second Report of the Committee of Grievances," I have the honour to submit the following observations:

The report charges me in general with oppression, speculation and extortion, and alleges first, "that I falsely and fraudulently represented myself to be the proprietor of a great extent of Crown lands to which I had no manner of right." Secondly, "that I falsely and fraudulently denied that such land could be gratuitously granted to divers settlers who applied for the same, and were entitled thereto upon the mere performance of the settling duties; and concealing from them that it was my bounden duty to make such grants;" and thirdly, "that I corruptly and oppressively exacted and received from the said settlers applying for gratuitous grants large sums of money as the price of the land, of which I was by my office bound to procure them gratuitous grants."

To these charges I answer, 1st, that the first allegation which accuses me of representing myself to be the proprietor of lands to which I had no right is wholly untrue, and is a perversion of the fact, which is simply that I represented myself as being entitled to assign land to any person working for me, who was desirous of settling in the country, a right which I shall presently show is supported by documents in the possession of the Assembly, but which they have wholly omitted to notice. 2dly, That I am ready to admit so much of the second allegation as states that I "denied that such land could be gratuitously granted to all applicants;" and to the charge of "concealing that it was my bounden duty to make such grants," I reply that if the committee had read over the instructions communicated to me instead of the factitious paper delivered to them by the surveyor-general, they would have perceived that I was directed to make grants, not to all applicants, but to such persons alone who produced an order from Government to that effect; and, 3dly, that to the charge "of exacting from the said settlers applying for gratuitous grants large sums of money as the price of land, of which I was by my office bound to procure them gratuitous grants," I answer, that I did not receive from any person to whom I was bound as agent to make gratuitous grants any money or other consideration beyond the fee of 7s. 8d. collected at the request of the surveyor-general, from those persons to whom location-tickets were issued by me in my capacity as agent; and the amount of which was duly paid over and accounted for to him.

These allegations are founded on the assumption that I was acting in the execution of an official duty, the dereliction of which constitutes the gravamen of the charge preferred against me; it also appears from the preliminary observations of the report that the official capacity attributed to me, and to which they would limit and restrict my functions, is that of "agent for settling" certain townships; whereas, in truth, my appointment as agent was made in the view of giving effect to an order from the Secretary of State, directing the Governor to assign land to my labourers under certain conditions; and the instructions which I received from the civil secretary (not from, nor through the surveyor-general) do not authorize the granting of land to other persons than such as produced orders from the executive council. But it must be admitted that the documents exhibited by the committee, and appended to the report, if they were all authentic, and in the absence of the other documents which are designedly omitted, would establish those allegations conclusively; and if I had been merely, as they would represent, an agent for assigning land to all applicants, and if all the documents printed in the appendix had really been communicated to me as the rule for my guidance as such, then there would have been some foundation for the charges brought against me. But part of the documents exhibited in support of these assumptions are factitious; and the documents which would have afforded a correct view of the subject have been withheld or suppressed. On the one hand, certain papers are introduced, which it is pretended are copies of instructions, and supplementary articles given to me as agent, but which in fact were not at any time communicated to me; these factitious papers, marked in the report Nos. 1, 2, & 5, were delivered to the Assembly by the surveyor-general on the 11th March 1836. On the other hand, a return or statement of fees paid to the surveyor-general on the 24th October 1824, which he was bound to produce, has been suppressed by that officer; and the authentic copy of the letter of appointment and instructions from the civil secretary to me as agent, transmitted by my Lord Gosford in the session of 1836, is omitted; as likewise the correspondence between the Secretary of State and the local government, relating to the expectations which I had been led to entertain, and the encouragement intended to be afforded me on settling in the colony, which was also transmitted by his Excellency at the same time.

It is necessary to enter into these details respecting the omission of the correspondence and the insertion of the unauthentic papers, because the report circulated with so much diligence (500 copies of it being printed for distribution), is calculated to make an impression wholly

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wholly at variance with the truth, even on the minds of the members of His Majesty's Government unacquainted with the parties by whom it was concocted; and because the facts which I have now stated show the animus with which the whole proceeding has been conducted; no doubt can be entertained on this point when it is recollected that the member of the Assembly who drew up the report is the same person who, in conjunction with an American resident in the township, to whom I was obnoxious, misled my settlers into the belief that they had been defrauded, in order to seduce them into giving him their votes at the election of a member for the county of Sherbrooke, under the promise of obtaining compensation from me and of procuring patents from the Crown through his influence, and that the same person selected the papers necessary for his purpose in the office of the surveyor-general, and afterwards presided in the committee and examined the witnesses in support of the accusation. I shall hereafter have occasion to comment on the participation of the surveyor-general in this conspiracy.

But divesting these allegations of technicalities, and of their intentional exaggerations, the crime imputed to me is, in substance, that I received money from persons to whom I was bound to make gratuitous grants, and applied the money to my own use; the charge of refusing to make grants, or concealing that I had the power to do so, scarcely meriting attention.

It is not my desire to make use of any subterfuge or evasion in meeting this imputation. I desire that every act of mine shall be fully known, and my conduct strictly scrutinized, and for this purpose I am disposed to make more ample admissions than can in strictness be expected from a party under accusation; and I do so in the confidence that my candour will command a dispassionate consideration of the circumstances under which I acted, and which I doubt not will fully justify all my proceedings. It will be perceived, on examining the report, that the persons who are brought forward in support of the charge of obtaining money from them are my labourers, or men who have worked in my employment; it will also be noticed that they form an inconsiderable portion of the numbers to whom land was assigned without any compensation, and that they bear a still smaller proportion to the multitude of my labourers who would not accept of land. No allusion whatever is made to these circumstances, nor are any facts exhibited in extenuation or in explanation of the transactions commented upon in the report; and the examinations of the witnesses as detailed in the appendix, proves either that no questions were put to them to elicit the truth in explanation of the transactions between us, or that if the answers were given, they have been suppressed; the report simply states that the witness, being interrogated, he answered generally. Towards the end of the inquiry, when the public reprobation of this inquisitorial procedure was manifested, one of the members of the committee caused some questions to be put to the two last witnesses (*vide* the examinations of D. Weir and Wm. Dodds) which produced answers so unfavourable to the views of the conspirators, that they were entirely suppressed, and replies more suitable to their designs were substituted; these facts have been substantiated by an inquiry before the Assembly, where the fraud was very ingeniously attributed to mistake: nevertheless the report founded on this mistake is given to the public as being supported by evidence; whereas the only evidence that was fairly obtained confutes the whole of the charge brought against me, for it proves that the compensation which the last witness had agreed to pay to me, but which he has not yet paid, was merely the value of the improvements on the lot at the time of his taking possession; these improvements, consisting of eight acres of land cleared, with a Canadian squared-timber dwelling-house, were made several years before and at my expense. The truth is, that in most instances the lands assigned to my labourers were given to them free of all expense, as I did not consider them bound to pay fees; and it was only in cases wherein I had previously expended money in improvements, or wherein the lots given up had been set apart as a portion of my own grant, that I ever received any kind of compensation, which was usually in labour performed, either when the parties were actually serving with me as labourers on wages, receiving at the same time boarding and lodging at my expense, or in spare times and at their own convenience, in making roads or other works of public utility.

I have already stated my nomination as agent was made to give effect to an instruction from the Secretary of State authorising the grant of land to my labourers, under certain conditions; and in order to explain more fully the object of the appointment, and the intentions of His Majesty's Government at home, as shown by the despatches and correspondence, I submit a sketch of the circumstances attending my establishment in this colony antecedent to the communication from the Secretary of State of the 7th December 1816.

In the year 1814 I resigned the post of agent-victualler at Gibraltar, a permanent situation with a liberal salary, to which I had been appointed, in reward of my services as agent-victualler to the fleet in the Mediterranean, under Lord Exmouth, in order to obtain the office of consul-general in Tuscany, to which, at the instance and on the recommendation of Lord Exmouth, I had the honour of being nominated by his Excellency Lord William Bentinck, then commanding the forces in Italy. In the winter I repaired to London to solicit confirmation to the post, but without success, for Lord Castlereagh, who held the Foreign-office, refused to sanction any of Lord William Bentinck's appointments. Under this disappointment, I was persuaded to turn my views to a settlement in one of the colonies; and being supported in my application by Lord Exmouth, I addressed myself to the Earl Bathurst, then Secretary of State, for a grant of land from the Crown. As the Colonial-office would not consent to recognise the principle of that department making compensation for services rendered under other departments of Government, I could not obtain

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a grant on that account; and I therefore submitted, for Earl Bathurst's consideration, a proposal to embark a capital of 20,000 £., with an engagement to reside upon the grant, on condition of receiving 10,000 acres of land for myself, and 1,200 acres for each of my associates. His Lordship having been satisfied that I possessed the necessary means, was pleased to entertain my application favourably, and I obtained the promise of a grant to the extent above mentioned.

Relying on the verbal assurance given me to that effect, I left London for Italy, and embarking my family at Leghorn, I arrived in Canada in August 1815. One of my associates, who remained in London for the purpose, was the bearer of Earl Bathurst's despatch to Quebec. On my arrival I had the mortification to learn that, instead of 10,000 acres, the Governor was directed to assign to me only 2,000. Immediately on ascertaining the discrepancy between the promise made to me and the contents of the despatch, I addressed a letter to Sir Gordon Drummond, stating explicitly that I had been led to expect a grant of 10,000 acres as the condition on which I had come out; and in a subsequent communication, I referred to certain gentlemen in the Colonial-office who were cognizant of the negotiation and of the terms of the agreement. These letters were transmitted by the Governor on the 22d September 1815, and on the 9th December following Earl Bathurst replies, "that as the instructions conveyed to Sir Gordon Drummond were drawn up after communication with Mr. Hamilton on the subject, his Lordship could not sanction any further grant until that already made shall be so far advanced in cultivation as to authorise such an addition." Pending this reference, I took up my grant for 2,000 acres, and I requested that reservation might be made of the quantity that I claimed in the vicinity of my grant; to which Sir Gordon Drummond was pleased to accede; but on receiving Earl Bathurst's reply above recited, his Excellency, who appears to have considered the decision as final, and adverse to my pretensions, allowed Major Loring, the civil secretary, and a Colonel Fulton, to select the best of the lots reserved for me; thus depriving me of many that adjoined my improvements, and that were most important to the success of my settlement.

Feeling most acutely the injustice of these proceedings, and determined to assert my claim, I dispatched one of my associates to London in the spring of 1816, to represent my case to the Secretary of State. The result of this appeal was, that Earl Bathurst, in a despatch dated the 7th December 1816, conveyed instructions to Sir John Sherbrooke to grant me 3,000 acres, in addition to the 2,000 already assigned to me; to give 700 acres to each of my associates, in addition to the 500 before granted; and further, to assign to such of my labourers as might "be desirous of becoming settlers on their own account, 100 acres each, in the same neighbourhood, under the usual conditions of residence and cultivation." The despatch also directs the Governor to resume the lands granted to Major Loring and Colonel Fulton to the injury of my establishment.

It is now important to understand the real bearing of this despatch on the question at issue; and to collect the intentions and the object contemplated by the Secretary of State. Viewed in connexion with the despatch of the 9th December 1815, which was written in reference to my positive assertion that I had come out on the faith of Earl Bathurst's promise to grant me 10,000 acres of land, the fair construction is, that it is an absolute admission of the truth of my assertion, and, consequently, is a tacit recognition of my claim to its fullest extent. If I had falsely stated facts so important, and in a manner to be misunderstood, it cannot be supposed that Earl Bathurst would have hesitated to give a positive denial to my assertions; and it is not probable that any subsequent application on my part would have been entertained with the favour that my requests, grounded on this claim, actually experienced. That a more direct admission of my right to the full extent was not made in either of the despatches, may be attributed to the change of views which the Government had adopted in respect to the system of making extensive grants in the colonies. It is probable that the Secretary of State may have considered that the literal performance of the promise held out for my encouragement would be inconvenient, as a precedent at variance with the regulations which it was desirable to enforce; but it cannot be doubted that the Colonial-office was convinced of my having made out my right to the full measure of that encouragement.

The despatch concedes to my associates the whole amount claimed for them, viz., 1,200 acres each, but it leaves me with the deficiency of one half; for I had received only 2,000 acres under the original order, and the present despatch authorises only 3,000 acres in addition, thus falling short of the quantity to which I was entitled by 5,000 acres. Under these circumstances, there does not appear to be any presumption in assuming that the order for granting land to my labourers was intended for my special benefit, in part compensation of the disappointment, and consequent inconvenience, to which I had been exposed. In this light I received it. I had never receded from the assertion of my right, even when the local government had acted upon the unfavourable construction put on the despatch in answer to my remonstrance; and most assuredly it could not be expected that I should relinquish my claim after the virtual admission of its validity in this despatch.

The immediate effect of these instructions was the surrender of the lands granted to Major Loring, in exchange for other lands assigned to me; and the understanding on the part of the local government that none of the lands in the neighbourhood of my grant should be disposed of without my consent; but the lands granted to Colonel Fulton, being under patent, could not be resumed, and they have continued to this hour an obstacle to my improvements, interposing a barrier of wilderness between my settlement and the waters of the Magog River.

At this epoch, and for many succeeding years, the enterprise in which I was engaged

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was viewed by the experienced residents in the colony as hopeless and ruinous, undertaken in ignorance of the difficulties to be overcome, and only to be justified by the assurance of the support and protection of Government. These disadvantages were fully appreciated by the local authorities, and, in consequence, the protection of the colonial administration was liberally extended to me; and amongst other favours, the lands around my settlement were faithfully preserved for the location of my people. The subsequent development of the natural advantages of that part of the province, improved communications and increased population, results in great measure of my sacrifices and exertions, are proofs that the bounty of the Crown was not misapplied.

I proceed with the narration of events after this period. In the course of the five years succeeding the date of the despatch, that is, from 1817 to 1822, I was unremittingly engaged in the prosecution of my enterprise, and in the course of that time I established many of my labourers on the lands in my neighbourhood; and here I must remark that the evidence annexed to the report would make it appear that some of the witnesses had applied to me for gratuitous grants during this interval; and it is imputed to me as a crime that I refused them: now, according to the showing of the report, my authority for making such grants was derived from my office as agent, but I did not receive that appointment until the month of February 1822; whereas, the transactions with my labourers, to which the evidence refers, took place in 1819.

In the month of January 1822 I applied to the civil secretary for patents for divers of my settlers. At this time the local government had adopted a new system in respect to the disposal of Crown lands, intended to enforce the duties of settlement and cultivation, and to facilitate the location of poorer settlers. All applicants for gratuitous grants having obtained an order from the executive council, were referred to an agent in the township, by whom they were furnished with location tickets, describing the lots assigned to them. On presenting this ticket, with a certificate from the agent of the performance of the settlement duties, the formal grant by patent under the great seal of the province was issued in their favour. On referring to the authority for assigning land to my labourers, the civil secretary was of opinion that the conditions of residence and cultivation required to be certified previous to the issue of the patents; and in order to effect this object in a formal manner, and at the same time to preserve my rights, he suggested that I should take upon myself the office of agent for the townships in which my labourers were placed. Lord Dalhousie, in my presence, gave his sanction to this suggestion, and directed my nomination to be made out accordingly. I acquiesced in this arrangement, because it was to me a matter of indifference whether the patents issued before or after the performance of the conditions of cultivation; but in accepting the office of agent, I by no means understood that it entailed any sacrifice of my right in respect to the nomination of my labourers; so far from that being the case, I had every reason to believe that my Lord Dalhousie contemplated the extension rather than any restriction of the indulgence granted me by the Secretary of State.

If any other person had been appointed agent, his function in respect to my settlers, who had occupied land previous to his appointment, would have been limited to certifying to the performance of the required duties; this office being filled by me, made no change in the relations subsisting between me and my labourers at that time; all the arrangements between my settlers and myself were predicated on the right of obtaining grants under patent for each of the persons whom I nominated as my labourers immediately upon making application, without the preliminary performance of settling duties; for such is the course observed with respect to all other persons presenting orders from the Secretary of State, who obtain their grants under patents in which the prescribed conditions are embodied. My right of nomination remained in full force, and the arrangements which my labourers found it their interest to enter into with me prior to the nomination were matters in which no person but the parties had any concern. All that the Government, or the agent acting for Government could require, was proof that the nominees were actually my labourers; and being satisfied in this particular, the land was assigned to them as a matter of course.

On reviewing these considerations, they appear to establish the following points, viz.: That at the time of writing the despatch of the 7th December 1816, the Secretary of State virtually admitted the truth of my representations; and the justice of my claim, for the fulfilment of the promise of a grant of 10,000 acres of land to myself and 1,200 acres to each of my associates.

That the instructions direct the grant of the full quantity claimed for my associates, but leave me deficient in one-half of the amount promised me, being 5,000 acres less than I expected.

That the Secretary of State, for certain considerations, authorised the grant of 100 acres to each of my labourers, upon the usual conditions of residence and cultivation.

That it may be fairly inferred that this indulgence of granting land to my labourers, under the usual conditions, was intended to benefit me, in compensation of the deficiency of land promised to me.

That the nomination and recommendation of the persons rested with me; and all that the Government could require from me was proof of the parties being actually my labourers.

That the engagements under which the labourers acquired that character, so as to entitle them to be nominated by me for grants, forms no subject for inquiry by the Government.

That the conditions of the grant to my labourers being identical with those attached to my own, and all other grants ordered by the Secretary of State, the proceedings thereupon ought to have been similar, and such as were followed at the time when the despatch was received (1817); that is, that patents should have issued upon my application, previous to

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the performance of the conditions, of which the specification should be given in the patent, as usual.

And, lastly, that my acceptance of the office of agent did not change the relation in which I stood in respect to my labourers under the authority of the Secretary of State's despatch, although it imposed on me the necessity of complying with the conditions of residence and cultivation before instead of after the issue of the patents.

I must now remark on the charge of demanding per centage for lands settled under my agency; if there be any offence in what I have done, it is at least enormously exaggerated in the report, and I do not think it necessary to occupy much time in showing the futility of the accusation. Per-centage must have been allowed by the Crown to any other agent upon all the lands located. I conceive that no question can be raised as to my right to per-centage on lands located to independent settlers; neither will any objection be taken to my demanding it on lands assigned to such of my labourers who took up lots on which I had not expended money; and if the objection be restricted to those who are stated to have paid me some consideration on that account, the number is so small as scarcely to merit attention; however, the list of persons performing the settlement duties was submitted to the surveyor-general in the usual manner, and the certificates to its correctness. If, as agent, I was not entitled to per-centage on all the land assigned to my labourers, it was competent to him to make any reduction therein; but he was right in not doing so, for the duties of settlement were performed equally by my labourers as by other persons; indeed, I supposed the performance of the conditions of settlement to be an indispensable preliminary to all grants, and therefore I placed settlers upon the lots set apart for my own per-centage, and included them in the returns of lands on which the duties were done. The statement of fees furnished to the surveyor-general exhibited the lands set apart for my agency, as well as the lands assigned to my labourers.

I must now proceed to narrate certain circumstances, to show that my appointment as agent was made with the intention that I have ascribed to it, and that the surveyor-general was cognizant of that intention. On the 9th February 1822, conformably with the arrangement sanctioned by Lord Dalhousie, as I have before stated, the civil secretary delivered to me in person a letter of instructions, as agent for the townships adjoining to my settlement; I was not put in communication with the surveyor-general, nor did I receive any instructions whatever from him at any time. Before leaving Quebec I requested Colonel Ready to cause me to be furnished with official diagrams of those townships; they were transmitted to me in the month of June following, together with a letter from Mr. Bouchette, dated 22d March 1822, inclosing 50 blank location tickets, and requesting me "to collect, like the other agents, the fees of the surveyor-general of 7 s. 8 d. for each location ticket." At the same time Mr. Bouchette says, "You having, I presume, the form of the permit of occupation, I do not send you one."

About the month of October 1824, Mr. Bouchette being employed at the expense of Government, in collecting statistical information in the townships, passed several days at my house in Ascot; during his stay with me I made up a statement of the settlers to whom I had assigned lands, in order to show the amount of fees collected on location tickets. This document comprised a list of each of the townships, containing the names of the parties and the numbers of the lots on which they were settled; and an abstract showing the number of lots on which fees were due, the number of lots assigned to my labourers being exempt from fees, and the number of lots set apart on account of my per-centage. The amount of fees due by the statement was paid to Mr. Bouchette partly by a draft drawn by him on me in anticipation, and the balance in money, for which I hold his receipt.

I am now compelled to expose certain proceedings in relation to these papers, and to which I have already alluded.

On the 25th March 1835, the Assembly addressed the Governor for the communication of the following documents: 1st, "A copy of my appointment, dated 9th February 1822, to the situation of agent for superintending the settlement of the townships therein mentioned, and of such instructions or other communications specifying the nature of his duties in the said situation as may have been transmitted to him;" and "copies of such certificates, statements, accounts or letters," as I "may from time to time have produced, furnished, rendered or written to His Majesty's Provincial Government, relative to my situation of agent or concerning my acts as such agent." In consequence of this address, directions were given to the surveyor-general to prepare copies of the documents in his office, and on the 11th March Mr. Bouchette delivered at the bar of the Assembly certain papers, which he stated to be copies of the documents called for by that house; (*vide* Appendix to the Journals of 1835, letter Y.)

It has been seen, that several of the charges against me turn wholly on the fact of my being an agent acting under certain specified instructions; and in support of these allegations certain documents are exhibited in the report. Now these documents were delivered by the surveyor-general as being copies of papers with which I was furnished by him; amongst others the supplementary instruction, authorizing the location of all applicants, being British subjects, &c. But in truth, Mr. Bouchette never did furnish me with any instructions whatever; and my instructions from Colonel Ready do not contain the supplementary instructions. Mr. Bouchette's letter of the 27th March 1822, before quoted, proves conclusively, that he did not furnish the instructions, for in it he says, "You having, I presume, the form of the permit of occupation, I do not send you one," from which the inevitable conclusion is, that I must have received it from some other authority; but this other authority must also have given the instructions which refer to that permit; which is
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the fact so far as the instructions are concerned; so that Mr. Bouchette stands convicted under his own hand of having delivered fictitious documents to the Assembly. These papers are marked Nos. 1, 2 and 5, in the report of the committee. In further explanation, it is only necessary to remark, that the instructions signed by Colonel Ready do not contain the supplementary instruction, which allows the location of all applicants by a "permit of occupation," and therefore cannot make any reference to the "form of the permit," alluded to by Mr. Bouchette, a fact which Mr. Bouchette must have known if he had given me the instructions.

It has also been seen, that the principal cause of the exaggerated colouring which has been given to the charges against me, is the concealment from the committee of the right which I enjoyed of obtaining grants for my labourers. The mere inspection of the proceedings will show that the committee has been kept in ignorance of this fact, although it must have been well known to the parties conducting the inquiry. It is impossible that the committee could have come to the conclusion embodied in the report of the surveyor-general, had he delivered to them a copy of the statement of fees paid him in October 1824; the details in that statement show so clearly the distinction observed at the time between my labourers and other settlers, as likewise the lands set apart for my per-centage, that they must have been convinced of the correctness of my proceedings in every particular. I have heard it said that Mr. Bouchette did not think himself called upon to make public any statements of his fees; but I conceive that in this instance, wherein the exhibition of that paper would have shown the true character of my transactions with my people, he was bound in common justice to produce it, and as a public officer he had no right to suppress or withhold any document received from me as "agent," when he was ordered to furnish all "statements, accounts or letters furnished, rendered or written" by me "relative to my situation of agent, or concerning my acts as such agent."

But if Mr. Bouchette held himself justified in withholding that part of the statement relating to fees, he should not have suppressed the remainder, for he must have been conscious that in so doing he exposed the committee to error or injustice in their inquiry, and therefore it behoved him to guard them from such evil by apprizing them of the facts within his knowledge. As a public officer called upon for information on a matter involving the reputation of another person in office, it was competent to him to offer any observations or to state any circumstances necessary to the correct understanding of the subject. Now, Mr. Bouchette cannot deny that he was perfectly aware of the right which I had always exercised of nominating my labourers for grants prior to my appointment as agent; although he may probably screen himself on the plea of not having received official communication on the subject from the Governor. It cannot however be credited that the contents of Earl Bathurst's despatch of December 1817, conveying this authority, should be forgotten by the head of a department principally concerned in carrying it into effect. The inquiries respecting the grants of my reservations to Major Loring and Colonel Fulton, with the discussions concerning the resumption of those lands, and the extended grants to me and my associates, which have been acted upon, were matters that necessarily came officially within the knowledge of the surveyor-general, and of which he cannot plead ignorance; indeed the subjects noticed in this despatch were of a nature to excite too much interest to be easily forgotten, the most prominent object being a public functionary of high standing; and the whole contents of the despatch formed at that time the subject of common conversation in the public offices. Neither can Mr. Bouchette forget, that after the receipt of this despatch his hands had been tied up from disposing of any more of the lands in Ascot, which every claimant of a grant was eager to obtain. To come down to a later period, it is not probable that Mr. Bouchette has forgotten that he was cognisant of all my proceedings in October 1824, when he received from me the balance of the fees due on my locations. In concluding this subject, I feel myself borne out in the opinion that I have before expressed, that the delivery of fictitious documents to the Assembly is proved by the evidence furnished by Mr. Bouchette himself; and that this fact, with the suppression of another document, and withholding information indispensable to the correct understanding of the question, afford strong grounds for accusing Mr. Bouchette of intentionally and collusively deceiving the Assembly, with the design of placing my proceedings in a light wholly at variance with the truth, and thus to give a colour to the charges brought against me. I do not imagine that Mr. Bouchette would commit a gratuitous injury on my reputation, but I have every reason to believe that he has been seduced into this conspiracy by the feelings of vengeance and malice excited by the censure cast on him for the numerous instances of negligence and irregularity which I have had occasion to comment upon in the discharge of my official duty.

I shall be most happy to furnish any further explanations that his Excellency may desire.

I have, &c.

(signed) *William B. Felton.*

No. 12.

Sir,

Castle St. Lewis, Quebec, 13 June 1836.

With reference to my communication to you, of the 2d ult., intimating that it was the intention of the Governor-in-chief, acting upon the opinion of the law-officers of the Crown, to issue a commission ofoyer and terminer, for the purpose of trying in a court of law such of the charges preferred against you by the House of Assembly as should be found suscepti-

Correspondence
respecting
Mr. Felton.

ble of a legal investigation; I have now the honour to acquaint you, that from a recent report of the law officers of the Crown, it appears that the ground on which they conceived that legal proceedings against you could be supported was the circumstance of your having, as stated in the report of the special committee of the House of Assembly, actually received the 913 acres of land claimed by you for agency in your memorial of the 30th May 1834. But as, on reference to the officers connected with the preparation of land patents, it appears that no letters patent conveying this land to you have in fact ever issued, the law-officers have reported to his Excellency that the supposed grounds for a criminal prosecution against you no longer exist; and I am therefore to inform you that the intended commission will not be issued. As the whole case, therefore, must now in the first instance be determined by his Excellency, and as your explanation of the 16th May last, which was written at a time when a legal investigation was contemplated, may not, perhaps, be so full and complete as it might have been had no such investigation been intended, his Excellency thinks it but fair and just, before coming to a decision, to afford you an opportunity of supplying any further observations and proofs which the anticipation of a trial at law may have induced you to withhold.

I have, &c.

Hon. W. B. Felton.

(signed) S. Walcott, Civil Secretary.

COPY of a DESPATCH from the Earl of Gosford, to the Right Hon.
Lord Glenelg.

My Lord,

Government-house, Montreal, 10 Aug. 1836.

WITH reference to my despatch of the 14th of June last, informing your Lordship that no legal proceedings could be had against Mr. Felton, with respect to the charges preferred against him by the House of Assembly, as contained in the second report of the standing committee of grievances, and that I had afforded that gentleman another opportunity of adding to, and supporting by proof, the defence which he had put in while under the impression that his conduct was to be investigated in a court of law; I have now the honour to acquaint you that on the 20th ultimo Mr. Felton, in reply to the letter of my civil secretary of the 13th of June, a copy of which accompanied my last despatch on this subject, addressed a communication to me, stating that he had nothing further to add to his defence, except to draw my attention to the discrepancy between the evidence as printed in the report of the committee, and that actually given by one of the witnesses, and to request that the surveyor-general might be called upon to supply some information on certain points, which he thought important to the right understanding of his case. To this I immediately consented, and desired Mr. Felton himself to prepare in writing the questions he would wish to be put to the surveyor-general. The replies of that officer (in my opinion not very material to the decision of the case), are contained in enclosure No. 3.

Your Lordship will observe that Mr. Felton, in one part of his defence, after complaining generally of the way in which the examination of the witnesses was conducted by the committee, states, that on one occasion when some questions were put to the two last witnesses (D. Weir and William Dodds), which produced replies unfavourable to the views of the committee, they were entirely suppressed, and replies more suitable to their designs substituted; that these facts were afterwards substantiated by an inquiry before the House, where the fraud, as he terms it, was ingeniously attributed to mistake. I herewith transmit a copy of the resolutions of the House on this point, which I omitted by mistake to forward with my despatch of the 14th June. Mr. Felton proceeds, a little further on, to state that in most instances the lands assigned to his labourers were given to them free of expense, as he did not consider them bound to pay fees, and that it was only in cases wherein he had previously expended money in improvements, or wherein the lots given up had been set apart as a portion of his own grant, that he ever received any kind of compensation, which was usually in labour performed; but he does not adduce any proof whatever in support of this, to him, very important and material statement. He appears also to rely much on a particular view that he has taken of a despatch from the Earl of Bathurst, then Secretary of State for the Colonies, to Sir John Sherbrooke, dated the 7th of December 1816, No. 52, wherein an additional grant of 2,000 acres to Mr. Felton and of 700 to each of his associates is authorized, and the Governor is instructed "to assign to such of Mr. Felton's labourers as might be desirous of becoming settlers

Enclosure, No. 1.
20 July 1836.

See Questions,
Enclosure, No. 2.
Enclosure, No. 3.
27 July 1837.

Enclosure, No. 4.
2 March 1836.

settlers on their own account, 100 acres each in the same neighbourhood, under the usual conditions of residence and cultivation," contending that this order was, under the circumstances of the case, intended for his especial benefit, in part compensation for the disappointment and consequent inconvenience to which he had been exposed by the Government having failed to give him the whole amount of land originally promised to him, namely, 10,000 acres.

Now, although the effect and object of this part of the despatch might have been, and probably was, to bestow an indirect benefit on Mr. Felton by attracting labourers and settlers to his part of the country, and by giving him the selection of his neighbours, yet I cannot concur in the view he has taken of it, if it is to be construed as enabling him to derive a direct profit in the shape of money, or money's worth, as the price of the assignments to be made to his labourers.

With regard to the charge of selling lands as his own, and yet demanding of Government the usual per-centage, as if the grants had been made under his instructions as agent, your Lordship has been already informed that had Mr. Felton actually received this per-centage, he would, as the law-officers state, have been guilty of an act which would have subjected him to a criminal prosecution. Now, although the act was not legally completed by the issuing of letters patent, yet the intention existed, and manifests itself in the claim made for per-centage; the moral character, therefore, of the transaction, in my opinion, remains the same. But without going further into the case, I may at once acquaint your Lordship, that having given Mr. Felton the most unrestricted opportunity for making and supporting his defence, and having, to the best of my judgment, weighed all that he has advanced, I regret that it is not in my power to report to your Lordship that his explanation is satisfactory to my mind. In the discharge, therefore, of a clear but painful duty, and in the exercise of the power vested in me by my commission as Governor, I have suspended Mr. Felton from the only office he holds under the Crown, the commissioner of Crown lands, and have informed him that the whole of his case will be submitted to His Majesty for final decision.

In the meantime, until His Majesty's pleasure be known, and some final arrangements made respecting the mode in which the duties of the land-granting department should in future be conducted (one of the subjects upon which the Royal Commissioners are desired to report), I have directed that Mr. Davidson, the assistant Crown-land commissioner should, as a provisional arrangement, carry on the business of the office as usual, but without any increase of salary or other expectation of reward from Government, beyond the commission of five per cent. on the sales of the Crown-lands and timber, and clergy reserves, as received at present by Mr. Felton, and which is but a reasonable remuneration for the additional labour and responsibility thus thrown on him. He is of course to enter into a bond with sureties, in the usual manner, for the proper performance of the duties, and duly to account for the monies he may receive.

I have, &c.

(signed) Gosford.

Enclosures, Nos. 1 to 5, in the preceding Despatch.

No. 1.

Sir,

I AM honoured with your letter of the 16th instant, referring to your former communication of the 13th June, apprizing me of the intention of his Excellency the Governor-in-chief not to issue a commission of oyer and terminer, as intimated on the 2d May, and acquainting me that as the case must be determined by his Excellency, it is considered just to afford me an opportunity of supplying any further observations and proofs which the anticipation of a trial at law may have induced me to withhold.

I request that you will be pleased to offer to my Lord Gosford my most grateful acknowledgments for the consideration and condescension shown to me during these proceedings, and I beg you to assure his Excellency that the delay in replying to your letter arose from the circumstance of my papers relating to this matter being at Quebec, whilst I was employed in official duties in the townships. Having looked over the remarks which I had the honour of submitting upon this subject, I do not observe any material omission, unless it be that I have neglected to notice the discrepancy between the evidence, as printed in the report of the committee, and that actually given by one of the witnesses, which is important only as the printed report is unaccompanied with the proceedings had in the Assembly, in relation to this falsification of its records.

I cannot, however, neglect this occasion of fully vindicating myself by allowing the withholding of information by the surveyor-general to pass unnoticed, and I must therefore

Correspondence
respecting
Mr. Felton.

Enclosure, No. 5.
8 August 1836.

Enclosures,
Nos. 1 to 5.

Correspondence
respecting
Mr. Felton

entreat his Excellency, before he fully makes his decision on the case, to call up the surveyor-general to account for having withheld from the committee of Assembly the document which contained the account of fees due and paid to him by me, which paper also comprised a statement of the lands reserved for my agency, and to require that officer to explain his reasons for allowing the committee to remain in ignorance of the particulars concerning my grants, and the proceedings that had been had in relation thereto, when he must have been aware of the effect of the misapprehension under which they laboured, and which he had it in his power to remedy by a simple exposition of facts and circumstances, of which he was necessarily cognizant.

S. Walcott, &c. &c. &c.

I have, &c.
(signed) *William B. Felton.*

No. 2.

Sir,

Castle St. Lewis, Quebec, 20 July 1836.

His Excellency the Governor-in-chief having called upon Mr. Felton for his remarks on certain charges against him, contained in the second report of the standing committee of grievances of the House of Assembly, relative to his conduct as agent for the townships of Ascot, Hatley, Orford and Stoke, and that gentleman having requested that you may be required to afford an explanation respecting the non production before the House of Assembly in 1835, of a document containing an account of fees paid to you, which he considers to be of great importance to support his case, I have received his Excellency's commands to request that you will convey to me all the information that may be in your power in respect to all the circumstances connected with the document alluded to. The points on which Mr. Felton requests that your attention may be particularly directed are comprised in the following questions :

1. During your stay at Mr. Felton's residence in the month of October 1824, did you receive from him any and what documents relating directly or indirectly to his duties as agent for the townships of Ascot Hatley, Orford and Stoke?
2. Do you consider a statement of fees due to or accruing to you to be a document of a public character, so as to be included in the papers that you are bound to deliver as official documents?
3. Did you receive any fees, and upon what account, from Mr. Felton at that time; if so, state the particulars of amount and services?
4. Did you receive any sum of money from Mr. Felton prior to the day of your arrival at his house, either by draft upon him, or in any other manner; and what was the amount of the sum drawn for by you upon him?
5. Was that sum included in the account rendered, and charged against you?
6. Was the sum paid to you by Mr. Felton, including your draft, equal to the amount that would be due to you, supposing that you were entitled to the fee of 7s. 8d. for each location ticket issued?
7. Did the number of location tickets issued correspond with the number of persons whose names appear upon the lists which you have returned to the Assembly?
8. Were you aware that Mr. Felton obtained the promise of a gratuitous grant of land from the Crown prior to his arrival in this country?
9. Did you ever hear from Mr. Felton, when you met him in London in the year 1814, that he had obtained the promise of 10,000 acres from Lord Bathurst?
10. Were you cognizant of Mr. Felton being entitled to obtain 100 acres of land for each of his labourers?
11. Do you consider that an individual obtaining a grant under the Secretary of State's despatch was subject at that period to the necessity of taking out a location ticket before he obtained his patent?
12. Did Mr. Felton, or any of his associates, take up their grants by location ticket, and did they pay your fee of 7s. 8d.?
13. Do you keep any document of the fees which are paid to you, and if so, be pleased to exhibit the same for the year 1824?

I have, &c.
(signed) *S. Walcot, Civil Secretary.*

P. S.—An early answer is requested.

S. W.

No. 3.

Sir,

Surveyor-general's Office, Quebec, 27 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 20th instant, by which I am informed that Mr. Felton has requested that I should be required to afford an explanation respecting the non-production before the House of Assembly, in 1835, of a document containing an account of fees paid to me, which he considers to be of great importance to support his case, and requesting of me to convey to you all the information that might be in my power, in respect to all circumstances connected with the document alluded to. I have therefore the honour to comply with his Excellency the

Governor-

Governor-in-chief's commands, and beg leave to answer as succinctly as possible the several questions propounded by Mr. Felton, in the order in which they are proposed in your despatch. It may not be unfit, however, to preface my answers by stating that, in consequence of the high importance attached by Mr. Felton to the mislaid document, which, if in existence at all, I always have considered, and still do consider a mere private memorandum, which could not, as such, be called for by the House of Assembly. I have long since most diligently examined, with the assistance of the gentlemen of my department, all my private as well as official papers connected with my tour through the eastern townships in 1824, in the hope of finding the paper deemed of such moment; but I regret to say that my repeated searches have proved wholly fruitless, and I am again obliged to appeal to memory and to other sources of information to govern me on the subject. From these sources was made out a hasty memorandum statement, addressed inofficially to Mr. Davidson, for his and Mr. Felton's information, but which, it seems, was nevertheless transmitted to the Assembly; which statement, I persist in saying, shows a larger sum than that which I think I ever received, although the total amount is considerably under the sum which would appear to have been due upon the aggregate number of locations at 7s. 8d. that were issued by Mr. Felton as agent, and appearing on the face of the several lists by him returned and recorded in this office, and recently calculated with somewhat more correctness* than had previously been done, implicit reliance having always been placed by me upon Mr. Felton's statement of my fees. One fact must impressively favour the assertion; it is this: that Mr. Felton, in 1834, when applying to Government for 913 acres of land, as agency per-centage upon the locations by him issued, and under which settlements were made a few days previous to bringing up the list and order of reference thereon, spontaneously intimated to me that he was my debtor of a balance of location fees. He must, of course, have had the means of establishing that balance; I had not. I have no doubt that this balance, at least, was due, being fully convinced from recent calculations (margin) that I have never received from Mr. Felton so large an amount as 50*l.*, nor did I give the subject a thought, and expressed my surprise at his communication; he did accordingly pay me 7*l.* some shillings as the balance due, after deducting 30*s.* or 40*s.* which he said he found charged against me in his accounts, for so much paid by him for me at Sherbrooke. I speak subject to the evidence of my receipts, by which I will stand corrected. I now proceed to consider the queries proposed, to which I beg leave to give, seriatim, the following answers:

1. In the month of October 1824 I received from Mr. Felton, I believe at Sherbrooke, the Returns of Locations by him made, as agent of the townships of Ascot, Hatley, Stoke, Eaton, Orford and Dudswell, which returns are dated the 15th October of that year, and are the documents laid before the Assembly under the letters A, B, C, D & E, and, if I mistake not, Mr. Felton at that time made out a statement or memorandum of fees due to me upon the locations, which, by those returns, appeared to have been made; but I neither have kept that memorandum, nor do I recollect the amount of the fees then due; but it must necessarily have been that shown by the number of locations multiplied by 7s. 8d. and could have been no other.

2. I do not keep any official cash book of fees received by me, having other satisfactory data for computing the amount annually received. These data consist of the Record of Locations, the book of Certificates of Vagrancy, and the Accounts of the Patent-office. The searches and diagrams are few in number, and are generally, though not regularly, noted in the office, and an average allowance is made for them in the annual returns.

3. In October 1824 I received part, if not all the location fees appearing at that time to be due by Mr. Felton's returns; the amount I cannot recollect, but it could assuredly be no other than that shown, as stated above, viz., by the number of locations multiplied by 7s. 8d.

4. I believe I did draw on Mr. Felton for something like 10*l.* on account of fees, and I have no doubt that I was duly debited with it in the reckoning of the agency account alluded to by Mr. Felton. If I did draw upon Mr. Felton, of course he holds my draft, with my receipts for any monies received.

5. See the preceding answer.

6. Assuming the whole balance to have been discharged, the amount paid to me by Mr. Felton, including, I believe, my draft of 10*l.*, must have been precisely equal to the amount of the number of locations issued, multiplied by 7s. 8d., viz., about 40*l.*, the returns showing about 110 locations; but I conscientiously believe the sum paid was much under that amount.

7. They ought to do so, or Mr. Felton's returns are fallacious.

8 & 9. Mr. Felton, in 1814, was a perfect stranger to me. He may have had a promise from Lord Bathurst of 10,000 acres of land; and if we met, as it appears we did, in London, he may have told me so; but really it is impossible for me, after the lapse of 22 years, and deeply engaged, as I then was, upon public works, to charge my memory with such matters.

10. I received an intimation to that effect from the Hon. Mr. Cochran, then secretary, dated Castle St. Lewis, Quebec, 3d July 1818.

11. This would depend upon the terms of the grant, and the executive government would of course be most competent to judge of the expediency of location or non-location, and I could but humbly obey the mandate.

12. They do not appear to have done so.

Correspondence
respecting
Mr. Felton.

* Locations:	
Hatley - - -	95
Eaton - - -	14
Ascot - - -	32
Orford - - -	6
Stoke - - -	1
Dudswell - - -	6
	154
At 7s. 8d.	154
Total Fees	£. 59 8

Correspondence
respecting
Mr. Felton.

13. I beg to refer to my answer to the 2d Query. By the books, in which are noted as memoranda the annual returns to Government, the sum of 149*l.* (calculated on the average of three years) appears to have been received as fees by the surveyor-general in 1824.

I have, &c.

S. Walcott, Esq.,
&c. &c. &c.

(signed) *Jos. Bouchette,*
His Majesty's Surveyor-general.

No. 4.

House of Assembly, Wednesday, 2 March 1836.

Resolved. THAT the witnesses Daniel Weir and William Dodds were examined by Mr. Gagy, before the committee of grievances, on the same occasion and at the same time, on the charges preferred against the Hon. Wm. B. Felton, and that after the examination was concluded, a series of nine separate questions, furnished in writing by Mr. Bedard, as submitted on behalf of Mr. Felton, jun., was propounded to each of the said witnesses.

Resolved, That the testimony given by the said witnesses at the first examination was correctly recorded, but that without the intervention of any member of this house, the answers of the said Wm. Dodds to the four last interrogations of the said series so furnished by Mr. Bedard, after the said first examination had been concluded, were appended to the testimony of the said Daniel Weir, and the four last answers of the said D. Weir to the said series, were appended to the evidence of the said Wm. Dodds, by a mistake originating in the fact of their examination being had at the same time and place.

Resolved, That, although the matters of detail, relative to which the said Wm. Dodds testified, and which were, by mistake, appended to the evidence of the said D. Weir, have no relation to the merits of the said charges, or any bearing on the points at issue between this house and the said Hon. W. B. Felton, it is expedient to correct the said error, and to verify the said mistake, by appending the four last answers to the said series to the parties who gave them respectively, that is to say, by appending the four last answers now erroneously attributed to the said Daniel Weir, to the evidence of the said Wm. Dodds, and by taking the four last answers of the said Daniel Weir from the testimony of the said Wm. Dodds, and replacing them at the end of the testimony of the said Daniel Weir.

Resolved, That the said witness, William Dodds, be discharged from any further attendance.

Attest.

(signed) *W. B. Lindsay,* Clerk of Assembly.

No. 5.

Castle St. Lewis, Quebec, 6 August 1836.

Sir,

WITH reference to what has passed between the local government and yourself on the subject of the charges preferred against you by the House of Assembly in its last session, and contained in the second report of the standing committee of grievances, and more particularly with reference to my communication to you of the 13th of June last, informing you that inasmuch as no letters patent had actually issued conveying to you the 913 acres of land claimed by you for agency in your memorial of the 30th of May 1834, the intended legal proceedings against you could not take place, and consequently that the whole case must in the first instance be determined by the Governor-in-chief; I have received his Excellency's commands to acquaint you, that having afforded you the most full and unrestricted opportunities for meeting the charges brought against you, of which you have availed yourself, and having maturely weighed all that you have advanced, both orally and in writing, his Excellency regrets that he is unable to state that your explanations are satisfactory to him. The circumstance that no letters patent have been issued, conveying to you the land you claimed for agency, does not in his mind affect the moral character of that part of the transaction to which it relates, neither can he concur in the view which you have taken of the Secretary of State's despatch of the 7th of Dec. 1816, in regard to the land which was to be gratuitously assigned to your labourers.

Under this impression his Excellency has come to the conclusion to lay the whole of your case, with the proceedings of the Assembly, before His Majesty's Government for final decision; and he feels it to be his painful duty to suspend you from the duties of your office as commissioner of Crown lands until His Majesty's pleasure in this matter shall be known.

I have, &c.

Hon. *W. B. Felton,*
&c. &c. &c.

(signed) *S. Walcott,* Civil Secretary.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

Correspondence
respecting
Mr. Felton.

My Lord,

Downing-street, 23 November 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th of August last, in which you report that having given Mr. Felton every opportunity of defending himself against the charges which have been brought against him by the Assembly, his explanations have not proved satisfactory to your mind, and that you have therefore felt it to be your duty to suspend him from the office of Commissioner of Crown Lands, informing him that his case would be submitted for His Majesty's final decision.

In consequence of this communication from your Lordship, I have been engaged in an attentive consideration of the Report of the Grievance Committee, by whom the charges against Mr. Felton were investigated and preferred, of that gentleman's defence, and of all the other papers which accompanied your Lordship's former despatches, of the dates and numbers noted in the margin.

The substance of the report of the committee may be thus shortly stated.

In the year 1822 Mr. Felton being appointed agent for Ascot and other adjoining townships, was instructed to hold out the promise of a grant of 100 acres of land to every applicant who should perform the conditions of actual settlement, and for every 100 acres which should thus be brought into cultivation by settlers located under his superintendence, he was to receive a per-centage of five acres. When applied to for free grants on the above conditions, Mr. Felton is said to have invariably denied that he had the power of making such grants, and to have resorted to subterfuge to induce the applicants to purchase land from himself, of which land he fraudulently represented himself to be the proprietor. Of the sales effected in this manner, a statement is given of the quantity of land sold to a number of individuals, of the price stipulated to be paid by the purchaser, and of the sum actually received by Mr. Felton. In the returns transmitted by Mr. Felton to the provincial government of the locations effected by him as agent for the settlement of the townships, the names of all the above individuals, with one exception, are included. These parties were thus returned by Mr. Felton as having performed the settlement duties, and were in consequence of his recommendation included in letters patent purporting to make to them gratuitous grants of the very lands purchased by them from Mr. Felton. Large sums of money were in this way received by Mr. Felton, who far from accounting to the Government for them, actually claimed his per-centage upon all these sales as upon lands on which the settlement duties had been completed.

Such is a general statement of the grounds on which the committee have arrived at the conclusion that Mr. Felton has been guilty of oppression, peculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown.

Contemplating the possibility of the land so sold by Mr. Felton being promised to him by the Government, the committee affirm that not one of the lots in question were comprised in any grant made to or applied for by him, or his family; and adverting to the discussions which have passed respecting the excessive grants to that gentleman's children, they contend that it was evident that the Crown considered the amount of land already granted to him to have been sufficient. The fact, however, of his having claimed his allowance from Government of five per cent. on the land which he sold, has led the committee to decide that he is guilty of the charges against him, whether he was or was not proprietor of the land in question. "If," they say, "the land belonged to Mr. Felton, he could not honestly claim a commission for selling it; nor, if the land belonged to the Crown, could he honestly sell it, and convert the price, as he has done, to his own use." The documents and evidence appended to the report would appear to establish the conclusions of the committee to their full extent. Of these accusations I should have expected from a person of Mr. Felton's station in society, apart from the relation in which he stands to your Lordship's Government, the most distinct and unqualified refutation; but although I have been disappointed in such expectations, I will not on that account less attentively consider the statements by which he has endeavoured to justify his proceedings.

In the first place then, with regard to the sale of the land, I find that Mr. Felton contends that he had a right to nominate and recommend his labourers for gratuitous grants from the Crown, and that the arrangements which they might

Correspondence
respecting
Mr. Felton.

make with him prior to nomination, were matters in which none but the parties had any concern.

Assuming that all the parties to whom these discussions relate were Mr. Felton's labourers, an assertion which is neither proved by himself nor borne out by the report, I proceed at once to examine the right which is thus contended for. It demands particular attention, as constituting the main ground on which Mr. Felton rests his defence. This right is claimed by Mr. Felton, from the terms of a despatch which Lord Bathurst wrote to the Governor of Lower Canada, on the 7th of December 1816.

Mr. Felton's statement of the events in which he was personally concerned, antecedent to the date of this despatch is, that having in the year 1814 submitted to the Secretary of State a project for settling in Canada, and embarking in his enterprize a capital of 20,000*l.*, he received from Lord Bathurst a promise of 10,000 acres of land, and of 1,200 for each of his associates; that on his arrival at Quebec he learned that orders had been given to assign to him only 2,000 acres; that he remonstrated on the disappointment thus caused to him, but that the Secretary of State refused to sanction any further grant to him until that already made had been brought into cultivation. That in the spring of 1816, he dispatched one of his associates to London, to represent his case to His Majesty's Government; and that the consequence of his appeal was the despatch from Lord Bathurst, of the 7th of December 1816, which instructed Sir John Sherbrooke to grant to him 3,000 acres in addition to the 2,000 already assigned to him; to give to each of his associates 700 acres, in addition to the 500 already granted to them; and further (I continue to give Mr. Felton's version of these transactions), to assign to such of his labourers as might be desirous of becoming settlers on their own account, 100 acres each, in the same neighbourhood. The inference deduced by Mr. Felton from this despatch is, that it was a virtual admission of his title to the 10,000 acres alleged to have been originally promised to him; and that, as it directed the grant of the full quantity of land claimed for his associates, and left him deficient by one-half of what he had expected, the authority for granting 100 acres to each of his labourers was intended by Lord Bathurst to compensate him for such deficiency.

I quite agree with your Lordship in thinking that if Lord Bathurst's intention in these instructions was, as is probable, to bestow an indirect benefit on Mr. Felton, it never could have been intended to authorise his exaction of a direct profit in the shape of money or money's worth, as the price of the assignments to be made to his labourers. But it is not necessary in the present case to rely on a mere opinion as to what Lord Bathurst's intentions may have been. On reference to the entry of the despatch in question, I find that it directs assignments of land to be made, not to Mr. Felton's labourers only, but to those of his associates also. Mr. Felton's assumption, therefore, that it was intended by that instruction to compensate him for the non-fulfilment of a promise which was made good in the case of his associates, is most unwarrantable. But what surprises me still more is, that Mr. Felton, when holding an office demanding of him great circumspection in all such matters, should have engaged in land transactions of much pecuniary importance to himself upon a construction of a public document only, as he himself allows, "assumed," a construction which is warranted neither by the common sense nor the facts of the case.

Mr. Felton's denial of the right of the Government, or of any other party to inquire into the arrangements which he might have made with his labourers, prior to nominating them for grants from the Crown, appears to me most extraordinary. I can look on it in no other light than as an unworthy attempt to shelter his proceedings under a fictitious title to privileges, the exercise of which has been claimed on indefensible grounds, and perverted to purposes which I refrain from characterizing. I observe it to be alleged by Mr. Felton that his appointment as agent was made by Lord Dalhousie to give effect to the Secretary of State's order for assigning land to his labourers. Granting this to have been the case, although there is no evidence to corroborate the assertion, while on the other hand, Mr. Felton appears to have received his appointment in the same manner, and to have been furnished with the same instructions as the other agents for townships; it would be folly to imagine that Lord Dalhousie meant to countenance the sale of land by Mr. Felton in his official capacity, for his own direct pecuniary benefit.

I nowhere find in Mr. Felton's defence any assertion that the land so sold by him

him was his own property. The line of defence taken by him, and already adverted to, is indeed a confession that it was not so. He says, however, that it was only in cases where he had previously expended money in improvements, or where the lots had been set apart as a portion of his own grant, that he ever received any kind of compensation. I take this statement, however, to apply to cases which have no connexion with the present inquiry. The circumstance of the settlers who paid the money having been returned by Mr. Felton to Government, for gratuitous grants of the lots purchased by them, is conclusive as to the fact of his being aware that the land belonged to the Crown.

I will now briefly advert to Mr. Felton's defence against the charge of demanding a per-centage on the land which he sold for his own private benefit. He says, that the number of instances in which this was the case is so small, as scarcely to merit attention, and that the same per-centage must have been allowed to any other agent. To this accusation, therefore, I must consider that he pleads guilty. It would appear from the correspondence which passed between your Lordship and the law-officers of your Government on this part of the subject, that if the facts adduced in the report and evidence of the Committee were true, and if Mr. Felton had become actually possessed of the per-centage which he demanded, there would have been ground for a criminal prosecution of him. Now, the facts alleged by the committee, so far from being disproved, have not been denied by Mr. Felton; and the claim having been made and persisted in, the accident of its not having been satisfied does not, as your Lordship justly observes, alter the moral character of the transaction.

I abstain from dwelling on the many extrinsic points adverted to in Mr. Felton's defence. I regret to say that that document does not appear to me to meet the charges of the Assembly in the direct and open manner which I should have expected from an officer habitually correct and conscientious in the discharge of his duty. It would be easy to controvert many of the positions which it contains, but I am dissuaded from any more specific allusion to them, not only by the position in which Mr. Felton already unhappily stands, but because I have sufficiently recorded the grounds on which I have advised His Majesty to approve of your Lordship's conduct in suspending Mr. Felton from his present office of Commissioner of Crown Lands, and to direct his final dismissal from the public service. If, on a consideration of these discussions, I could have had, as it is impossible for me to have, the least doubt as to the advice which it was my duty to give to the King on the subject, I should still have had the same course prescribed to me by a reference to transactions in which two of my predecessors and myself have been compelled to pronounce the most marked censure on Mr. Felton's conduct. I allude to the immoderate quantity of land which he obtained for his children, under letters patent, passed subsequently to the receipt of instructions from His Majesty's Government, forbidding such extensive grants to his family. On this latter subject I expect, at no distant period, to learn from your Lordship that the measures which you directed to be taken for the recovery of the land have been completed.

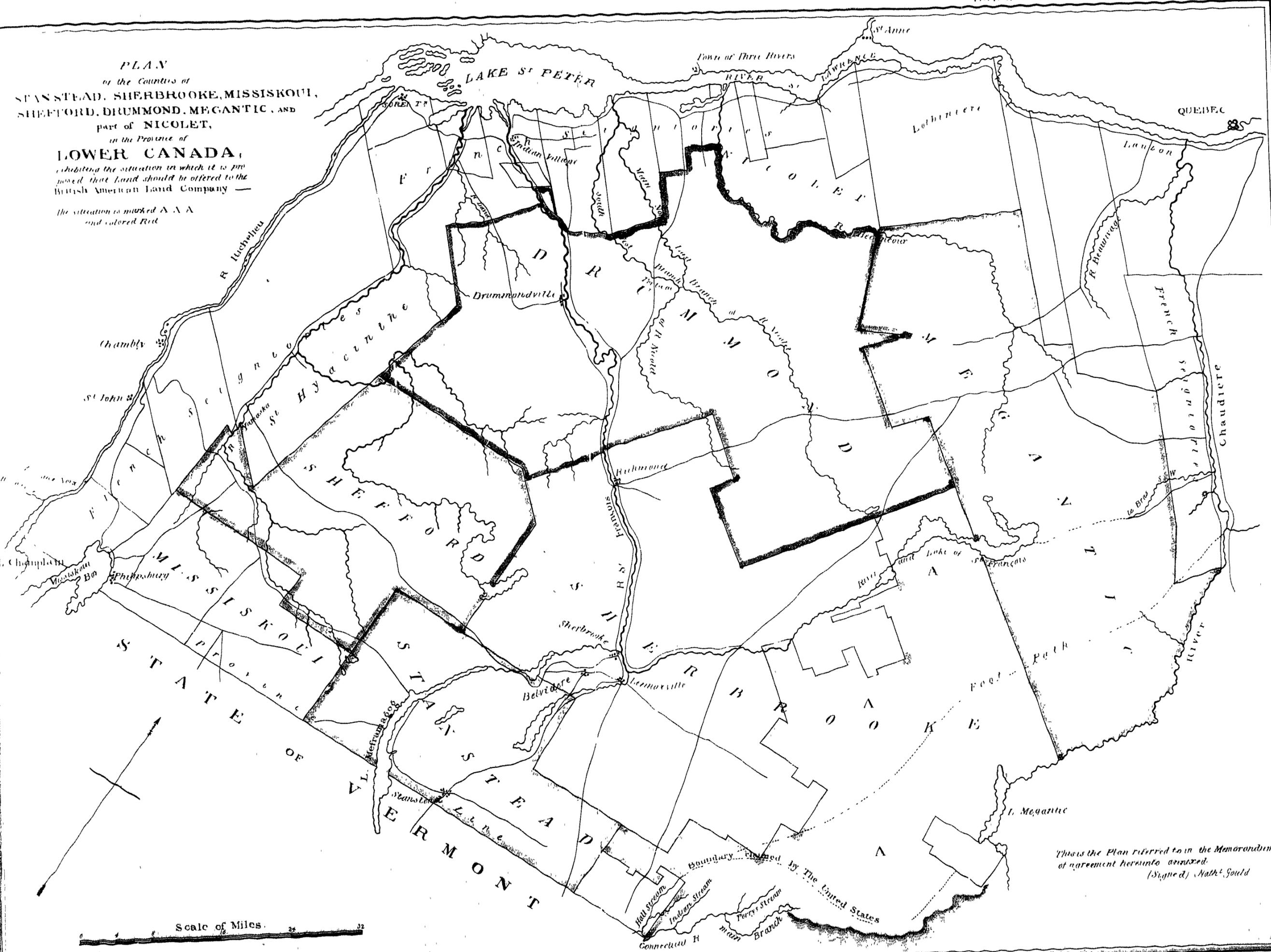
I have, &c.

(signed) *Glenelg.*

Correspondence
respecting
Mr. Felton.

PLAN of the Counties of *Stanstead, Sherbrooke, Missiskoui, Shefford, Drummond, Megantic*, and part of *Nicolet*, in the Province of *Lower Canada*; exhibiting the Situation in which it is proposed that Land should be offered to the British Land Company.

PLAN
of the Counties of
STANSTEAD, SHERBROOKE, MISSISSKOUI,
SHEFFORD, DRUMMOND, MEGANTIC, AND
part of NICOLET,
in the Province of
LOWER CANADA,
exhibiting the situation in which it is pro-
posed that land should be offered to the
British American Land Company —
The situation is marked A A A
and colored Red



This is the Plan referred to in the Memorandum
of agreement herewith annexed
(Signed) Nathl. Gould

Scale of Miles.

P A P E R S

RELATING TO

CANADA LANDS.

(Messrs. Thompson, Whitcher, and Felton.)

*Ordered, by The House of Commons, to be Printed,
21 April 1837.*
