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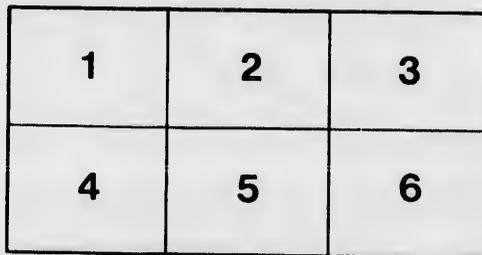
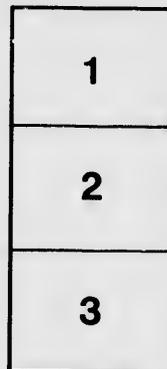
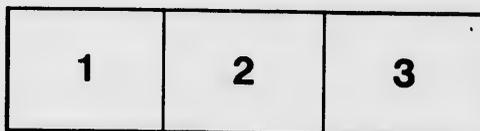
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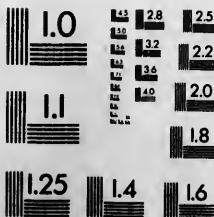
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A  
**REPRESENTATION**  
 TO THE  
**PUBLICK,**  
 Of AFFAIRS between GILBERT BARKLY of *Philadelphia*, and JOHN HAY of *Quebec*.

**I**N *June* or *July* 1762, Mr. Hay, at the particular Desire of *Gilbert Barkly*, brought with him to *Philadelphia*, to be laid before him, a State of their Affairs in *Canada*, after Perusal of which, a Settlement of Accompts was made, and signed by both Parties, and a mutual Obligation executed before Witnesses passed between them, wherein *Gilbert Barkly* reserves the Revival of their Affairs in *Canada* to himself, as the immediate Settlement was only from a short Abstract brought by Mr. Hay from the Books, and not satisfactory to the said *Gilbert Barkly*. Mr. Hay by this Writing was impowered to dispose of the Goods on Hand in *Canada*, at publick Vendue, in the Space of six Months after the Date of the Obligation, if not sold before at private Sale, in Order to enable him to remit *Gilbert Barkly* a certain Sum of Money; and in End, *Gilbert Barkly* obliges himself to pay the said *John Hay* Two Hundred and Forty Pounds *Quebec* Currency, for his Share of Profits gained at *Louisbourg*, which Mr. Hay agreed should be in full of all Demands, and that the same should be deducted out of a larger Sum due to *Gilbert Barkly* by the said *John Hay*, "in Consideration whereof Mr. Hay resigns, in Favour of the said *Gilbert Barkly*, all Pretension he had to any Part of the Goods, Debts, Effects and Profits gained at "*Louisbourg*."

AFTER which Mr. Hay proceeds to *Quebec*, and when the Six Months he was limited to in the aforesaid Obligation was expired, he went from *Quebec* to *Montreal*, sells off at Vendue all the Stock of Goods belonging to the Company on Hand at that Place, the principal Part of which bought by his own Agents for his private Account, and no Intelligence thereof given by him to *Gilbert Barkly*: In the same Manner the Brew-house, Distillery, and Stock of Goods on Hand at *Quebec*, were sold off, with the utmost Diligence, at Vendue, and the principal Articles bought by his own Agents for his private Account, and in whose Possession to this Day the Distillery and Brew-houses at *Quebec* and *Montreal* continue, out of which Subjects a very inconsiderable Sum was remitted *Gilbert Barkly*, though many Letters were sent, and *James Skinner* (my own Clerk) sent as an Exprest to acquaint Mr. Hay of my being in the greatest Need and Want of Money.

IN *October* 1763, the Vendue Accompts were remitted by him to *Gilbert Barkly*, and with them a stated Account Current, dated the Twenty-sixth of the same Month, signed by Mr. Hay, and in which Account one Article at *Gilbert Barkly*'s Debit stands as follows, viz. "To *John Hay*'s Share of Profits gained at *Louisbourg*, as agreed, to be paid him per a mutual Obligation, "signed at *Philadelphia* the 25th of *October*, 1762, Two Hundred and Forty Pounds."

THE impartial World is desired to judge, after perusing this Narrative, and what has been done in Consequence of this Writing passed between them at *Philadelphia*, what Right Mr. Hay has for desiring it should be cancelled, or from what Motive his Council advises him to demand it.

In Consequence of the just Right *Gilbert Barkly* had of perusing the Books kept at this Place in Name of *Barkly & Hay*, he arrived at *Quebec* the 22d Day of *June* last, and a few Days thereafter demanded the Books: Mr. Hay delivered him a Set of Books kept by himself, which he called his principal Books, a Set of Books kept at the Brew-house in *Quebec*, and others kept at a Store in the Lower-Town, by *George Young*; he also delivered Books keep'd at the *Three-Rivers*, by *Brown* and *Sanguinet*, and a Set after they left that Place keep'd by *George Richan*, as also Books keep'd at the Brewhouse in *Montreal*, and a Set keep'd by *George Young* while he managed Affairs at that Place, and Accompts of Sales rendered by Mr. *Knipe*, *George Young*, &c. *Gilbert Barkly*, with all the Attention he was Master of, continued to revise what was called the principal Books, and found by many concurring Circumstances that they were Books made out on Purpose to amuse and defraud him of his real Interest and Property: He went to Mr. Hay and told him he must not dare to put upon him in that Manner, and demanded the real Books, which with some Hestiation Mr. Hay delivered to him.

AFTER

AFTER which *Gilbert Barkly* compared the Sales of Goods in the real Waste-book., with those in the Waste-book given him at his Arrival, and was astonished to find wide Strides taken to defraud him; he told Mr. *Hay* of this, and desired he should compare the Books with him, which was done for two Days, and such glaring Attempts found out, that it was reckoned necessary to post up regular Books from the real Waste-books, and desired Mr. *Hay* to exert himself in procuring an able Book-keeper for that Purpose, which he promised to do; several were spoke to, but (for what Reason I know not) none could be found to take the Task in Hand, at last I found one, and began the arduous Task. *George Richan* took one Year's Books in Hand, *James Skinner* (my own Clerk) took another Year's, and myself took a third. Mr. *Hay* was told that this was an Affair of Consequence to him as well as me, and requested of him to give his Attention thereto; he pretended Business, and modestly proposed to me to return to *Philadelphia*, and come back in the Winter, when he would be at Leisure to give his Attention: This modest Request was not suitable to my Inclination, and as he found himself a Man of such Consequence, I desired that his Clerk, *James Todd*, should attend, which was ORACIOUSLY granted, and has been present the most considerable Part of the Time we continued at Work, which was between Six and Seven Weeks

ON Sunday Night, the Second Instant, I passed the Evening at the House of Mr. *John Ord*, Merchant of this City, the Keys of my Room in which the Books and Papers lay, which was my Bed-room, in my Servant's Pocket; I came Home and went to Bed; the next Morning *George Richan* and *James Skinner* came into my Room in Order to go to Work, when they astonished me by telling me all the Books and Papers, put into our Hands by Mr. *Hay*, were conveyed away, as also a Set posted up by myself, and a Set posted up by *George Richan* out of *George Young's* Books.

I BEING then in Bed, got up and dressed myself, went to Mr. *Hay's* Room, asked him, "What could induce him to commit such an unprecedented Action, and requested him not to expose himself, but return the Books." He told me, "he was not in a Condition to be spoke with, and refused to grant my Request."

I THEREAFTER applied to *John Morison*, Esq, my Counsellor, and told him the Particulars of what happened, and requested of him to apply to Mr. *Hay*, and tell him I was ready to refer the Affair to Six or Seven honest Men, his own Fellow-Citizens: This was agreed to by both Parties, the Gentlemen's Names mentioned, and the Bonds of Arbitration wrote, agreeable in all Respects to Mr. *Hay's* own Desire: We met at his House in Order to have them signed, and when it came to the Push he absolutely refused to comply.

## GILBERT BARKLY.

### QUEBEC.

BE it remembered, That on the Eighteenth Day of September, in the Fourth Year of the Reign of our Sovereign Lord King GEORGE the Third, Anno; Domini, One Thousand Seven Hundred and Sixty-four, Before Me, WILLIAM GREGORY, Esquire, Chief-Justice of the Province of QUEBEC, personally came and appeared Gilbert Barkly of Philadelphia, Merchant, now in Quebec, and made Oath on the Holy Evangelists, That all and every Part, of what is contained in the foregoing Writing, intituled, "A Representation to the Publick, of Affairs between *Gilbert Barkly* of Philadelphia, and *John Hay* of Quebec," is just and true.—And further this Deponent saith not.

Sworn before Me,

WILLIAM GREGORY, Ch: Jus:

THIS Day personally appeared before Me, WILLIAM GREGORY, Esquire, Chief-Justice of the Province of Quebec, the following Persons, *George Richan* and *James Skinner*, who solemnly, sincerely and truly declare, That there was in the Bed-room of *Gilbert Barkly*, Merchant of *Philadelphia*, who lodged in the House of *John Hay*, Merchant in this City, the following Books, viz. A Waste-book, Journal and Ledger, carried on in the Name of *Barkly & Hay*, called by *John Hay* his principal Books, and a Set keep'd at the Brew-house of this Place, a Set keep'd at a Store in the Lower-Town by *George Young*, a Set keep'd at *Three Rivers* by *Brown* and *Sanguinet*, and after their Departure from said Place, a Set keep'd by *George Richan*, as likewise a Set keep'd at the Brew-house in *Montreal*, a Set keep'd by *George Young* while he managed Business there, as also Accompts of Sales rendered by *Francis Kaize* and *George Young*, together with an Invoice-book of Importation and Exportation, keep'd by *John Hay*, in the Name of *Barkly* and *Hay*.

We also had in our Possession, in said Bed-room of *Gilbert Barkly*, three Waste-books and two Ledgers, which last mentioned Set of Books we discovered, by many convincing Circumstances, to be the original Books keep'd in the Name of *Barkly & Hay* by the said *John Hay*.

WE

W<sup>e</sup> the said Deponents do hereby further declare, That each of us took one of the real Waste-books in Order to form a just Set of Books therefrom, and *Gilbert Barkly* took the other Waste-book for the same Purpose; and by comparing the Waste-books first given in to *Gilbert Barkly* with the real Waste-books, we found them differ in Articles and Prices: The Waste-books of the Sets called the principal Books, being considerably in the Sales of Goods lower than the Prices the same Goods sold by the Waste-books and real Transactions, which the Books themselves will testify, and which to us seemed a designed Fraud; some Bills of Exchange bought by *John Hay* at a lower Exchange than what they were charged *Gilbert Barkly* when remitted to him, which appears by the first Books delivered him, which he calls his principal Books, and many convincing Proofs of Fraud which at that Time appeared clear to us, and which we now cannot recollect.

DURING the Course of our posting from the said Waste-books, some Entrys appeared dark to us; *Gilbert Barkly*, in Order to clear up the same, earnestly requested of *John Hay* (in our Presence) that he the said *John Hay* would give his Attendance to the posting of the Books, as it was a Matter of Consequence to both, which *John Hay* declined by pretending Business.

SOON after, *James Todd* (Clerk to the said *John Hay*) came to assist us, and continued the most considerable Part of the Time we were at Work, which was between Six and Seven Weeks; but your Deponents finding that they had no occasion for the said *James Todd's* Assistance, acquainted *Gilbert Barkly* thereof, which was answered by him, "That it was not for his Assistance that he requested his Presence with us, but only that he might be a Witness of the Justice done to the said *John Hay* in posting up the said Books."

ON Sunday Evening, being the 2d Instant, we locked the Room, leaving all the Books and Papers there, *James Skinner*, one of your Deponents, delivered the Key thereof to *John Ross*, Servant to the said *Gilbert Barkly*, and next Morning, being the 3d Instant, we went to said Room in Order to go to Work, and not finding the Books and Papers in the Place where we left them, we asked the said *Gilbert Barkly* if he knew where they were, to which he replied, "are they not there?" We answered him, "they are not," upon which he immediately got out of Bed, and said, "this is what I suspected," and after dressing himself went out of the Room. Upon a further Search, we likewise found that a Set of Books posted by *Gilbert Barkly*, as also a Set posted by *George Richan* out of *George Young's* Books, were also missing.

GEORGE RICHAN,  
JAMES SKINNER,

Sworn before Me, this 18th  
Day of September, 1764.

WILLIAM GREGORY, Cb: Jus:

PERSONALLY appeared before Me, WILLIAM GREGORY, Esquire, Chief-Justice of the Province of *Quebec*, *John Ross*, who solemnly, sincerely and truly declares, That he received the Key of *Gilbert Barkly's* Bed-room (in which he saw many Books and Papers lying) from *James Skinner*, on Sunday Evening the 2d Instant, and that no Person demanded the Key of him, nor had any Access by his Permission till *Gilbert Barkly* came Home in Order to go to Bed, which was about Ten or Eleven o'Clock at Night.

JOHN ROSS.

Sworn before Me, this 18th  
Day of September, 1764.

WILLIAM GREGORY, Cb: Jus:

