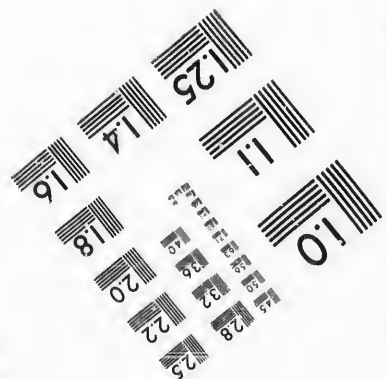
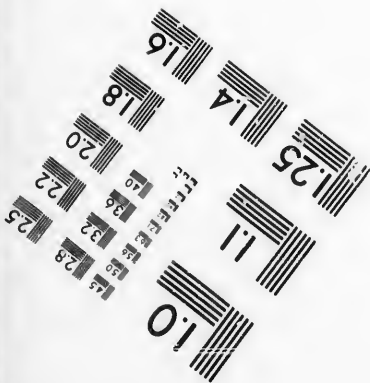
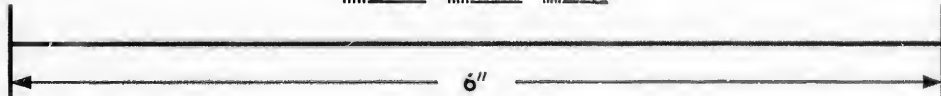
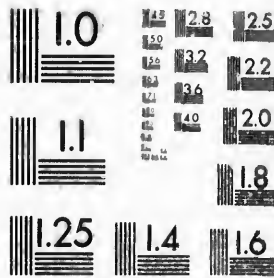


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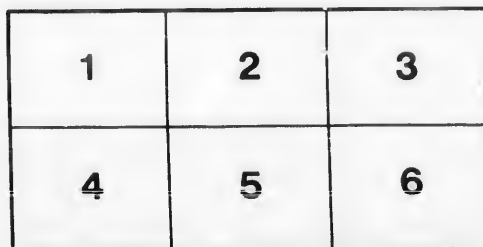
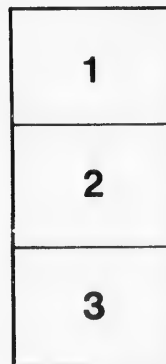
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EXAMINATION

OF A

PAMPHLET,

ENTITLED,



JUN 18 1931

A Statement of Facts relating to the Failure of the Bank of Upper Canada, at Kingston.

BY BENJAMIN WHITNEY, ESQ.  
Late President of the same.

IN A LETTER TO THE AUTHOR.

By VINDEX.

No. 1.

SIR,

Whatever other consequences may attend the circulation of the pamphlet which bears the above title, it will be generally allowed that it furnishes one more proof of the truth of the remark, that we have fallen upon times, in which venality sculks no longer in the dark, but snatches the bribe in public,—when rapine preys on mankind without opposition, and perjury betrays it without inquiry;—when irreligion is not only avowed but boasted, and the pestilence that used to walk in darkness, is destroying at noon-day. Whether it will be giving a check to these enormities, to exhibit one of their perpetrators in naked deformity to the world, is what no man can promise; but it will think be some satisfaction to the lovers of truth to see one of its enemies, exposed to the scorn, and contempt of such, as consider virtue

necessary, in the attainment of happiness. Whether or not there are others in the community to whom these observations would apply, equally with yourself, I will not now stop to enquire, but proceed to the subject, the consideration of which has induced me to trouble the public with this communication.

When it was announced some months ago that you intended to publish a vindication of yourself from the charges that had been brought against your conduct, (but which for some reason not explained you have delayed until this late period) as President of the late Banking Institution of this Town, it was hoped by all, and believed by many, that it would at least so far differ from your former publications on the same subject, as to be conceived in terms rational if not convincing,—prudent if not excul-

patory : certain I am however, that not one in twenty, who may have read your pamphlet, (if indeed so many as the latter number have read it) have concluded the perusal, without being left in doubt which most to wonder at, *your folly, or your audacity!*—Most men would discover that to continue (in the same strain) a controversy, which had brought its author into universal contempt; and which had caused all honest men to shun his society, was but adding fresh inducements to the virtuous of the community, to keep aloof from him.—This, however you seem to have overlooked, or disregarded, and the folly manifested by your publication is, that you either do not consider the privilege of associating with good men, as of any consequence, or that your vanity has so blunted your discerning powers, that you have not discovered how universally you are condemned, and shunned, on account of the slanders you have heretofore promulgated. For your audacity however it is not so easy to account—when the assassin raises his arm to destroy his victim, it rarely happens that he executes his deadly purpose in open day, in the midst of numerous witnesses of unquestionable integrity, who are not only ready to secure him for punishment, but capable of giving the most unequivocal, and incontrovertible proofs of his guilt: *you* however, in your fiendish zeal to destroy, have forgotten, or disregarded precaution; in sending forth the deadly dart, you may perhaps have imagined, that you would obtain a gratification, in inflicting wounds on the peace of those, who by their uprightness have rendered themselves odious to men, possessing minds like your own, which would fully compensate for the severest punishment that could await you; but let me tell you that your satanic hope will be disappointed; the barb has recoiled from the object at which it has been hurled, and so long as you are known, or recollected, in this society, it will be found sheathed and rankling in your own bosom.

With these preliminary observations I shall proceed to the more important part of my undertaking, and *prove by "a cloud of witnesses" that every material matter that is asserted as fact in your pamphlet is either totally false, or wilfully and scandalously perverted*; and as a proof that I do not intend to employ testimony at which your best friends (if any you have) can cavil, I shall commence with that given by *yourself*,

before the committee of the House of Assembly; but as it is rather lengthy, and as I particularly wish it to be perused with attention, I shall reserve it for my next communication.

SIR,

No. 2.

The following is a transcript of the testimony you gave before the Committee of the House of Assembly, which I (for the present) submit to the public without comment. I think however it will be found to contain matter, to assist me in redeeming the pledge I gave at the conclusion of my last number.

Mr. Whitney called in, and stated, *that he was the only President of the Bank, was suspicious for some weeks before the failure of the Bank that there had been an abstraction of its Funds, from circumstances of Mr. Bartlet's conduct, and a partial view of the Books.* The Books were principally kept by Ferguson the Teller, Bartlet's hand appeared sometimes in the books; does not recollect seeing his hand writing in other book than the Blotter. Went to Montreal in March, and returned some time in June, soon after his return asked Bartlet if the books were posted? Bartlet replied that they were not, wished him to post, or direct them to be posted, *as himself and others* wished to ascertain a correct statement of the books; this not being done, he commenced an examination of the books, notes, and accounts, found discounts given to many which he did not approve of, accounts increased, and 71 notes not renewed, of which notes he made out a list: this was in August. Bartlet was in and out of the Bank, not attending constantly as he ought to do. When he completed a list of the notes not renewed, Bartlet not being there, and it being about the hour of closing the Bank, he gave the list to Ferguson, desired him to hand it to Bartlet, and get as many of them renewed as possible, by the next discount day: was informed by Ferguson that he gave the list to Bartlet, who tore it up, saying it was none of his (Whitney's) business. Urged the posting of the books: was informed two days afterwards that the books were posted—examined Dalton's account, and found that he

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owed about £3000, supposed that his debt was about £1100. Asked Ferguson if this were a correct statement of Dalton's account? he said it was; Bartlet replied it was not. Witness asked if it were in fact as it appeared, that so many notes remained not renewed? Ferguson said yes, and Bartlet denied it. Being wholly dissatisfied with the appearance of the books, he was determined to investigate the affairs of the establishment, and with Bartlet proceeded to assort the notes preparatory to counting the money. As he finished assorting one parcel, another was handed him by Ferguson, or Bartlet, till it was reported that that was all. Bartlet was about a good deal of the time during Bank hours. This was some time in August; on another day Whitney said to Bartlet, he was ready to proceed to count the money; Bartlet replied it was already counted, and gave a statement of the whole: Ferguson observed that there were sufficient funds in the Bank, and a surplus of £200, in which Bartlet concurred. Ferguson accounted for surplus by saying that money had been deposited, & checks given, without having been entered. Whitney said to Bartlet, shall we proceed to examine the money to see whether you are correct? he replied, I have examined it, and you may if you choose. He accordingly commenced in presence of Bartlet and Ferguson, and found several of the parcels correct, admitting each small parcel to contain 100 notes; the large parcels were marked as containing £4000: at length he discovered that one of the large parcels contained £5350: he called to Bartlet and pointed out the error, to which he made no reply, made a new bordereau, & put this parcel down as corrected, and continuing his examination, found another containing £4150, called to Bartlet again, and pointed out the error—no reply; corrected it, and proceeded as before, concluded the examination, and made the amount £1500 more than the statement given him by Bartlet. At the closing of the Bank, said to Bartlet that he would proceed to compare the notes with the bill book in the morning. On coming to the Bank in the morning, received a note from Bartlet, informing

him that he was ill, and stating that he (Bartlet) did not know why he (Whitney) wished to examine the notes, as that was a business of his own. Considered this extraordinary, and told Ferguson to exhibit the notes, and they would proceed to the examination. Ferguson replied that he was ordered by Bartlet not to exhibit the notes. Witness replied that he had no right to give such orders, and insisted upon Ferguson producing the notes; Ferguson begged Whitney not to insist upon it, that Bartlet would probably be there in the course of the day—then returned to the examination of the books. In the course of the day Bartlet came to the Bank, Whitney spoke to him as if nothing had transpired, and said he was ready to proceed to the examination spoken of last night. Bartlet replied that he did not know what particular business Whitney had to see the notes, that it was a business of his own; Whitney said there could be no objection, he had devoted himself to the examination, and it would at all events assist him. Bartlet then said, *he should not submit the notes to Whitney without orders from the Directors.* Bartlet then agreed at the request of Whitney, to make out a statement himself in the course of the week, and submit it to the Directors. Whitney went to Mr. McLeod and acquainted him with the information he had obtained, and also of the suspicious conduct of Bartlet—spoke particularly of Dalton's account, which McLeod said must be incorrect, as no money had been loaned him after Whitney went to Montreal; if he had had any thing further, it was without the consent of the Directors. It was settled between them that Whitney had better proceed quietly to get the information. Went to Sheriff McLean, and stated some circumstances, also that Bartlet owed £1200 for Jefferson County Bills, for which he had given no acknowledgment or security. Mr. McLean of the same opinion with McLeod. Some time passed on waiting for the promised statement, a partial one on slips of paper was given, which not being satisfactory, Whitney in presence of the board of Directors, asked Bartlet if he had his statement made out? he replied no—but



promised to have it at the next discount day. Present Messrs. Whitney, Richmond, Dalton, McLean, Bartlet and Murney. Whitney asked Bartlet if he had his statement, he made no reply, but said he had a matter to submit to them. He said his note payable to Whitney for £850 in August last, had been presented to Whitney, and he had refused to endorse it; and wished the opinion of the board whether such conduct was right; to which Dalton replied it was infamous. Richmond disapproved of his conduct. Whitney never had refused to endorse the note except to the Teller some time after the discount day: McLean said that on the day of discount he should have indorsed the note or refused to do so; he explained his reasons for not having endorsed it, which at that time he did not wish to do; it was on account of the amount owed by Bartlet and by Dalton, for whom Bartlet endorsed. Bartlet then complained that Whitney's note for £1700 had been in the Bank for about two months as a renewal for a note of £2180, on which he had paid £480, and the old note was delivered to him, and the new one as a renewal, and as an endorsed note, had been passed through the books by Ferguson payable to Bartlet. Directors refused to proceed in other business till Whitney's note was secured, and adjourned to 10 o'clock the next day. At adjourned meeting 29th August, Whitney said he suspected there was a deficiency of £3000 or £4000, but that he could not ascertain it correctly in consequence of the information withheld by Bartlet. Bartlet said he knew that there was a deficiency, and that Ferguson should be turned out, as he had been building brick houses, &c. and was the peculator. At this meeting he was suspended. Stated at the meeting that it struck him there was a deadly conspiracy against the Bank, and that they were pursuing the course proper to effect the object. Whitney when he went home told his wife that he was convinced there was a deadly conspiracy against the Bank, that he knew there was money collected at Montreal, and that he thought it necessary, after consulting with his friends, and deliberating till 12 o'clock, to set off for Montreal and secure the money there; went down in 42 1 2 hours, went to the Bank and asked how much

money they had of the Kingston Bank, reply about £8000. He took that amount, £1000 he loaned to Gates & Co. the rest he put into an iron chest purchased for that purpose, and put it in charge of a friend, and returned home, told them at the Bank nothing of what had occurred. It (the money) was given him for the purpose of being delivered to the Bank of Kingston, and was not addressed to any particular person; at the same time received a letter for Bartlet, was unacquainted with its contents, sent the letter to the Bank, but told Bartlet nothing of the money. A meeting of the Stockholders and Directors took place on the day after his return, at which he stated the object of his journey, and the fact of his having received the money, and that he would place the same in the vaults of the Bank the moment he could with safety do it, that is as soon as the affairs of the Bank were organized, as they now seemed in a state of anarchy. Cumming, Murney, and McLean were present, all expressed satisfaction at his conduct except McLean; and he told him that if he would not be so impatient all would come out right as respected himself. On the return of Mr. Hagerman a meeting was called, which Whitney was invited to attend, and was requested to resign his situation as President, and that Bartlet should also resign; he declined doing so, in consequence of being bound as security for Mr. Bartlet, also for a sum of money payable to the Canada Bank, all which the Directors offered to indemnify him in, and publish a resolution, that would remove any stigma on his character. This was Saturday, and witness said if they would give him till Monday he would give an answer. On that day he did so resign, upon the terms proposed, AND UPON RECEIVING £500, WHICH WAS UNANIMOUSLY VOTED HIM, £250 TO BE PAID IMMEDIATELY, AND £250 WHEN THE AFFAIRS OF THE BANK WOULD ALLOW. Since which time he has had nothing to do with the affairs of the Bank.

THE £8000 WAS NOT DEMANDED OF HIM, but he stated at the meeting as before, that upon the reorganization of the Bank, he would pay in the 8000l.—THE 8000l. WAS NOT PAID IN UNTIL THE ABOVE ARRANGEMENT WAS EFFECTED.

Before the charges were preferred, Richmond asked witness if he did not think Bartlet had been making use of the money, and said that Mr. Hagerman previous to his departure, had informed him that he suspected this was the case.

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No. 3.

SIR,

Those who have taken the trouble to read your Pamphlet, will at once perceive that the principal object you had in view in publishing it, (next to exculpating yourself) was to criminate Mr. Hagerman, by shewing that the abstraction of the funds of the Bank took place *after you ceased to be President*, and *during the time he* (Mr. H. as you affirm) *officiated as such*. The language of truth, Mr. Whitney, is always consistent, and never can be controverted, but that of wickedness is invariably contradictory, and generally self-condemning. It would be sufficient to convince any unprejudiced mind, that yours is of the latter class, by simply referring to the style and temper exhibited in your Pamphlet. In vain will the reader therein search for the dignity of virtuous sentiments,—the plain unvarnished tale of truth,—the language of injured innocence!—Base insinuations, having for their object the gratification of inveterate malice, stamp the character of every page; and I give little credit for generous feelings to that man, who can conclude the perusal without feeling disgust, and abhorrence, for its heartless author. But Sir, you have not left your readers to *infer* that your story is false, merely from your *manner* of telling it; on the contrary you have heedlessly recorded your contradiction of yourself;—let such as feel any doubt upon the subject, examine the very first paragraph of your statement, given before the Committee of the House of Assembly, a statement made before persons who had an opportunity of cross-questioning you, and upon an occasion where prevarication would not avail you; and where you consequently felt constrained to adhere as nearly as possible to the truth; it will there be found that you declared yourself to be “*the ONLY President!*” and that “*for some weeks BEFORE the failure of the Bank, you suspected its funds had been abstracted!*” And on the 29th of August, the day on which you were “*suspended,*” you declare, “*that you stated to the Board of Directors, that you suspected the deficiency amounted to*

*L3000 or L4000!!*” Now Sir, will you be “*kind enough*” to explain to the public why not one word of this is set forth in your Pamphlet? will you be “*good enough*” at the same time, to refer to the 25th page of said production, and inform such as you hope to convince of the truth of any thing you can say, how it happens that you there endeavour to impress the public with an opinion, *that this deficiency did not occur until a month after you ceased to be President?*—bearing in mind that you are at the same time to account for having told “*John McLean, Esq. several days before your suspension, that you believed the amount abstracted to be L4000!!*” And for your own sake, be “*good enough*” to account for the *surprising exactness of your guess!*—for let the reader bear in mind that the total deficiency ascertained in the funds of the Bank was £5884, of which sum £1978 were discounted notes, not forthcoming, (the absence of which you were not aware of, as you state that you had not examined them) so that the deficiency in cash as *suspected* by you, was *actually* about L4000!!

Having thus pointed out some of the *positive contradictions* you have been guilty of in your two statements, I beg the reader next to notice how totally different they are in tone, and in narrative, so far as relates to the slander of several individuals, and in particular of Mr. Hagerman. Why you should have withheld from the Committee, and from the House of Assembly, at whose bar you were twice heard, information of the circumstances you affirmed to be true, in the Legislative Council Chamber, and have since published to the world, most persons will not easily comprehend; but a few words will explain the mystery. It was not until after your conduct as President of the Bank had been pronounced “*infamous,*” by the highly respectable Chairman of the select committee, (a judgment authorized by your own statement of your measures) that the malice natural to your depraved heart was excited: and when you found that your attempts to free yourself from just responsibility were opposed by those you insolently

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imagined would have assisted you in your designs, your indignation knew no bounds: then it was that you determined, that if you were to be consigned to the odium and contempt of mankind, you would at least endeavour to procure to yourself the satisfaction, of spreading desolation about you, by the destruction of the fair fame of those who had virtue enough to resist your unjust pretensions. The reflections that present themselves to the mind, on this part of your conduct, are numerous, but they shall be for the present suspended: they will come more opportunely when I have completed the examination I have undertaken.

I here dismiss further notice of particular instances of contradictions and inconsistencies your two statements oppose to each other, (although I shall in all probability have occasion hereafter to contrast them) and will now confine myself to the refuting of such other parts of your Pamphlet as are false, by reference to living witnesses, and as they will be persons of the very first respectability, possessing too much honor to allow their names to be made use of for the purpose of giving currency to untruth, I have not the slightest doubt but that any one of them will promptly contradict any misstatement I may make, for the correctness of which I improperly appeal to them.

Kingston, 7th August, 1823.

Mr. Editor,

I will thank you to insert in your next Herald, the enclosed letter received by me this day. It affords another proof of Mr. Whitney's talent for fabrication. Those who are acquainted with Mr. Richmond know him to be possessed of too high a regard for truth, to doubt the correctness of any thing he thus positively affirms.

Yours, VINDEX.

TO VINDEX.

SIR,

In your statement of Mr. Whitney's evidence before the House of Assembly, I find the following words: "Before the

charges were preferred, Richmond asked witness if he did not think Bartlet had been making use of the money, and said that Mr. Hagerman previous to his departure, had informed him that he suspected this was the case."

I beg leave to assure you most solemnly, that this is a gross and slanderous falsehood, no such conversation passed between Whitney and myself, nor did Mr. Hagerman ever say any thing to me of the nature here stated. The whole is a scandalous fabrication, like the most that has appeared from him before the public.

You are at liberty to apply this communication to whatever use you may think proper.

I am, Sir,

Your most obedient servant,  
ARCH. RICHMOND.

Kingston, 6th August, 1823.

No. 4.

SIR,

In the very first sentence of your publication you insinuate a falsehood, viz. that Mr. Bartlet was assisted by Mr. Hagerman in his Pamphlet: so far from this being the fact, that gentleman never even heard of Mr. Bartlet's intention to publish any statement, and when it appeared Mr. H. at once condemned the measure; and in proof of this I have not the least doubt but that Mr. Bartlet would at any time make oath, if required.

From the 1st to the 19th page, your Pamphlet is taken up with a statement of your proceedings, from the time of your return to Kingston in June, to the period of your resignation of the office of President: all of which I shall for the present pass over, intending in a subsequent part of this letter, to prove that supposing all you relate of your conduct in those pages to be true, how completely you have shown yourself to have been

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*unfit, and unworthy*, to hold the highly respectable and responsible situation of President to a Banking association, a situation requiring two essential qualities, "*ability and integrity*," both of which, (to the dire misfortune of those, who incautiously permitted themselves to be associated with you,) you have proved yourself to be so lamentably deficient in.

It would be extending this letter to an unreasonable and unprofitable length, to copy the words in which you relate your tale, and therefore I shall merely take the substance of your statement. You would have it believed that the conditions on which you agreed to resign, namely, 1st, a release from the bond given by you as surety for Mr. Bartlet, 2dly, indemnity against the note of 5000*l.* in Montreal, 3dly, the sale of a portion of your Stock, and 4thly, a plaster for your injured reputation, were all with alacrity conceded to you; and as a further instance of joy and satisfaction, at getting rid of you, 500*l.* were by the board of Directors, *unanimously* voted you, for your services; and all this you insinuate was done, in order that you, (possessing immaculate virtue and honor) might no longer by your presence, restrain the propensities of certain individuals to pillage the Bank!! Now Sir, knowing *as you do*, that this statement is *utterly false*, it cannot surprise you, that it should be affirmed to be so; but those who take an interest in this controversy, will I dare say, require some proof of your being so entirely without honesty or discretion, as to have ventured to make assertions of so much consequence without good grounds for so doing, and for this reason I shall give the following *real statement of Facts, and for the truth of which I refer to John Cumming and John McLean, Esquires, and Messrs. Murney, McLeod and Richmond*. I purposely leave out the names of the other Directors, because, it may fairly be supposed, that your conduct towards them has in no small degree incensed them against you.

Mr. Hagerman had been absent attending to the performance of important professional duties, that had been assigned to him, from

the middle of July to the 15th of September. On his return home he was informed of the difficulties that had occurred at the Bank, which induced him to beg that a meeting of the Directors might be immediately convened, and this accordingly took place, at which it was proposed, that every effort should be used, to restore harmony among the officers of the Bank, and if possible avert impending ruin. And as a step towards which, it was suggested, that it would be advisable, that both yourself and the Cashier, should resign your offices, and that others should be elected to fill those situations, between whom it might be reasonably expected that greater cordiality would prevail. It was however alledged, that there was no probability of being able to preserve the credit of the Bank, unless you would immediately restore the 8000*l.* you had surreptitiously obtained from Mr. Armour in Montreal. Mr. Hagerman expressed his conviction that you would at once restore the money, and was induced on so to do, that although your conduct had been injudicious, and ill advised, yet he was persuaded that you had not obtained it for any dishonest purpose; he therefore recommended, (notwithstanding your suspension) that you should be requested to attend the board at its next sitting; to this there was some objection, but his advice prevailed, and you accordingly in pursuance of a request made through him, attended the meeting the following evening, to which time it had adjourned. But what was his astonishment, as well as that of some others of the Directors, when you *peremptorily refused to resign as President, or to deliver up the 8000*l.* unless the terms which were afterwards granted you were agreed to!* So far from being disposed to give up the advantage you supposed you possessed in having so large a sum of the funds of the Institution in your hands, and out of which there was no means of wresting it that you declared you would not even deposit the bills in the hands of the Hon G. H. Markland, or Mr. Kirby, with either of whom it was proposed to you to lodge them, nor would you at all part with them, unless the terms dictated by yourself (and not proposed

to you as you insinuate) were agreed to by the Directors. Finding you thus determined you were desired to withdraw, and after some deliberation it was determined *most reluctantly, by a majority of the board*, that as it was impossible to restore the credit of the Bank, so long as you were in possession of so large an amount of its funds, which you might when you pleased put in circulation, it would be better to agree to the terms you imposed, than to forego the chance of keeping the Institution from total failure; you were accordingly again called in, and informed, that on the Monday morning following you should bring down the money in your possession, and your terms should be complied with. On that morning you made your appearance, but without the money; you then for the first time informed the board that you had left 6000*l.* in Montreal, and loaned 2000*l.* more to Messrs. Gates & Co. You however brought with you a resolution relative to your character, which was so disgustingly drawn up, that it was rejected the moment it was heard, and those drawn by Mr. Hagerman, as a matter of necessity, substituted. When all this was done, discovering the power you had in your hands, you were resolved to exert it to the full, and therefore notwithstanding all you at first demanded was granted you, you stated a new objection to giving up the money, and peremptorily refused to do so, unless you were allowed 500*l.* as a compensation for services you alleged you had performed. This proposal, so unexpected, and so entirely unjust, excited universal indignation; there was not a Director present who did not exclaim against it, and it was accordingly unhesitatingly refused. As you however persisted in claiming the allowance, and that too by having it *immediately endorsed on one of your notes*; and in case of refusal threatening to retain the money, it was at length agreed (*ex necessitate*) that it should be allowed you in the manner stated in the resolutions.

This statement of the truth of the above transaction, will I trust answer two purposes, first, that of exposing your villainy, (par-

don gentle reader the apparent rudeness of the phrase.) and secondly, in some measure exculpating the Directors from charges of improper conduct, (almost universally brought against them by the Stockholders) in squandering their funds on so unworthy an object; they will see that the Directors were *coerced and compelled* into a measure, the injustice of which they deeply felt.

It may be proper here to explain why Mr. Bartlet did not resign, as was proposed. The reason is plainly this: when it was first stated to Mr. Bartlet that it would be proper for him to give up his situation in the Bank, he at once expressed his willingness to do so if required. At a subsequent meeting however he stated, that as it had been reported by Mr. Whitney that a large proportion of the funds of the Bank had been stolen, and as he was responsible for any deficiency, he thought it but right that he should retain his situation until the true state of the funds of the Institution could be enquired into; at the same time expressing a wish that some person in whom the Directors had confidence might be associated with him, to witness his conduct. There was so much of reasonableness in these remarks, that the Directors acquiesced in them. Mr. Stanton, a gentleman of known honor and probity as well as ability, was associated with Mr. Bartlet, who continued to fulfil the duties of Cashier, until the investigation reported by Messrs. Stanton, Thomson, McDonell, and Radiger was concluded.

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SIR,

The next instance of misrepresentation, which I shall advert to, is one you seem to have no small anxiety to impress on the public as a truth : I allude to that in which you affirm, that Mr. Hagerman *succeeded you as President of the Bank*. Were it not that every person who possesses any regard for his character, must feel it a deep degradation to have it imputed to him, that he had *succeeded* to any place you were ever considered worthy to fill, it would be of little consequence to contravert your assertion : as it is, however, I shall briefly state the truth of the matter. *Some days after you were got rid of*, Mr. M Leod mentioned at the board of Directors, that it was advisable to fill up the vacancy that had occurred, and proposed that Mr. Hagerman should be elected : Mr H. *at once declared that no consideration would induce him to accept the office of President*, but that if his brother Directors thought, that the business of the Institution would derive any advantage from his presiding at their meetings, he would do so, as it was his anxious wish to lend all the assistance in his power, towards bringing the affairs of the Bank to a satisfactory conclusion : at the same time however, he particularly stipulated, that no notice whatever was to be taken of his performing even this duty, but among themselves. From this statement, and for confirmation of the truth of which appeal is made to every Director, the public are left to judge whether Mr. H. was or was not President. It is plain that he did not consider himself as such, and it is equally certain that the moment he intimated to the several gentlemen of the board, his disappointment at seeing the notice of the 24th December in the Chronicle, purporting to be signed by him as "President of the Bank," (a notice which was so far from having been authorized by him, that he had never seen, nor heard of it, until after its publication) that they caused it to be discontinued, and explained the inadvertence to which its appearance was attributable. The truth is, that in the book where the proceedings

of the board were usually noted, an entry was made, stating that on a certain day Mr. H. had become President, an entry which arose entirely from misapprehension on the part of the officer who made it.—I should not have dwelt thus long on a point, which by most persons will be considered unimportant, were it not that it affords another opportunity of exposing your malice, and inconsistency : your object in endeavouring to impress the public with an opinion, that Mr. H. was actually President of the Bank, arises from an anxiety on your part, to have it believed that he was intimately associated with, and acting in concert with Mr. Bartlet ; and as you seem to consider it as a matter admitted on all hands, that he (Mr. B.) was the speculator, you think by this means you will establish an universal belief, that Mr. H. shared the "*ill-gotten self*."—VULGAR, detestable wretch ! That Mr. Hagerman manifested for Mr. Bartlet more consideration than the generality of people thought him entitled to, may be perhaps true, but before blame is attached to him for conduct not understood, it would be well if his motives were enquired into ; this is not the place in which an explanation can be properly introduced, it may hereafter be entered upon, suffice it for the present to say, that every step of Mr. Hagerman's conduct in relation to Mr. Bartlet, was fully understood, and approved of by the board of Directors, by whose advice he was entirely governed, and also equally well understood by Messrs. Stanton, Thomson, M'Donell, and Radiger ; let any one of those Gentlemen say whether these motives were discreditable to Mr. H. or to the disadvantage of the Bank.—But to return to yourself : when you insinuate that Mr. Hagerman, by becoming President, (as you affirm) acquired a controul over the funds which enabled him to dispose of them as he might think proper, did you forget the remark you yourself make at the 32d page of your Pamphlet, that *the President could not in the least interfere with them !* Now Sir, it is perfectly true that the President had no right to interfere with them, but you frequently assum-

ed that right, and it was entirely owing to its being at length disputed with you, in consequence of your refusing first to obtain the sanction of the Directors to your proceedings, that your quarrel with Mr. Bartlet took place ! and for the truth of this I refer the reader to your own statement as contained in the production this letter is intended to examine. Supposing then that Mr. H. did actually fill the situation of President, from your own shewing he did not from that circumstance, obtain any facilities of disposing of its funds ; but you would probably have it understood (and so I understand you) that Mr. H. received his share of the plunder through Mr. Bartlet, and you found your opinion upon his apparent intimacy with that individual ; now all I have to say upon this point is, that *there never existed between Mr. H. and Mr. B. the slightest intimacy ; the only intercourse they ever had with each other was upon ordinary business, and of no other kind or description whatever ; had the reverse been the case, however, surely you ought not to allege it as a charge against any one. Have you forgotten who it was that first induced the Stockholders to entertain sufficient confidence in Mr. Bartlet's integrity to allow him to hold the double office of Cashier and Director ? Do you recollect who it was that for the whole period you were President, exclusively endorsed your Notes, and to the amount of several thousand pounds ? and will you also bring to mind the person who never refused to endorse his (B's) Notes, to any amount, until he opposed the schemes you appeared to him to be practising to effect the most dishonest purpose ?—when you recollect that you were the person to whom I allude, you certainly I think, will blush (if you can feel shame,) at your folly, in now bringing it as an accusation against another, that he should act on the faith of your example. The truth is, that as long as Mr. Bartlet suffered you to proceed in your measures without interruption, you never hinted the least suspicion of his want of integrity, but the moment he opposed you, you endeavoured to hold him up as*

being every thing that was worthless and dishonest.

Your next misrepresentation is, that when the Bank stopped payment, there was £2480 in specie in the vaults—this you know to be false ; you know that there was nothing like that sum on hand, but that it had been abstracted during the time you were President. It is quite true that it appeared from the books, that sum ought to have been forthcoming ; but such was not the fact : how much really remained I have not been able to ascertain, but every Director would feel but little hesitation in affirming, that nothing was “abstracted” after you ceased to be President.

The next point to which I shall refer is that relating to the discontinuing of Mr. Manahan, who had been employed in examining the books ; and you endeavor to give a turn to this circumstance, as foolish as it is false ; you say that at the moment Mr. M. came to a conclusion that there was a deficiency in the funds, he was on some idle pretence sent off to York, in order to prevent his developing the knowledge he had acquired. Now Sir, when it is known that Mr. Stanton and another highly respectable young man, were employed *at the same time with Mr. Manahan, for the express purpose of finding out that very fact, viz. what the deficiency was,* I cannot imagine how you can pretend that he was removed to prevent its being ascertained, unless you think the persons retained less competent than Mr. Manahan, to make the discovery,—I am not disposed to enter into any discussion with an individual, who may have been actuated by good motives in what he has done ; but I think I may venture to say, that Mr. Manahan has himself totally misunderstood the motives which governed several individuals connected with the Bank, in their conduct towards him. In the first place he never was discontinued, because there was the slightest wish to prevent his coming at a true state of the affairs of the Bank ; or because any one had any doubt of his ability to investigate them ; but objections were raised to his being employed by a person deeply in-

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terested in the investigation then going on, and to whose objections the board was bound to attend; several of the Directors were anxious that he should be retained, but they felt the necessity of discontinuing him. I feel no hesitation in saying that had Mr. Manahan enquired of any one of the Directors at the time, or (if he still feels any anxiety on the subject) even now puts the question in a reasonable manner, he will be made fully sensible of the truth of the foregoing observations. I have noticed Mr. Manahan's note addressed to you, and which you have published at the end of your Pamphlet. I regret that a person so respectable as I believe Mr. Manahan to be, should have been induced to allow you to use his name, the more particularly as I think he has suffered it to be employed in giving currency to statements, that have been circulated for the purposes of calumny and misrepresentation; one of which I shall now point out.

At the first meeting of the Stockholders, Hugh McGregor, Esq. in the Chair, you state that Mr. Hagerman explained that the reason Mr. Manahan was not continued was delicacy to Mr. Bartlet's feelings, and also *pledged himself that Mr. B. was an innocent man*: the first point I shall not again refer to, but the latter is a gross perversion of words: the declaration Mr. Hagerman made was, that he did not appear as the defender of Mr. Bartlet, but he would take upon himself to affirm, that the Directors had no evidence to induce them to charge him with guilt, on the contrary, that his conduct since the failure of the Bank, had not been such as indicated a wish to embarrass the investigation of its affairs, but was perfectly fair and open, and altogether such as induced the Directors to entertain a favorable opinion of him. What further remarks he made are not remembered, and if they were, it is not necessary or important to state them; but as a proof that the Stockholders were satisfied with his explanation, they did not persist in requiring Mr. Manahan to be employed, but adopted the measures suggested by him (Mr. H.) and those only, viz. the appointment of a highly respectable commit-

tee, to be associated with the Directors, for the purpose of witnessing the measures they found it necessary to pursue, in bringing the affairs of the Institution to a conclusion, and make a report to the Stockholders of the state of its funds, and of the causes which led to its failure. The Resolutions adopted on this occasion were drawn up by Mr. Hagerman, the silly Chairman not being competent to perform his duty in that respect. By the bye, as you were not yourself present, will you be good enough to inform the public, whether you obtained your information of the proceedings of this meeting from this contemptible block-head? as in such case you may relieve yourself from the imputation of having fabricated *all* the falsehoods your Pamphlet contains.

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No. 6.

SIR,

Although you may have it in your power to say that you published as true, the account your pamphlet contains of the proceedings of the meeting referred to in my last, on the faith of some person as faithless as yourself; you have no such excuse to plead for the false and garbled statement you have given of the occurrences of the 23d December; you were yourself present at the meeting of the Stockholders on that day, and by your conduct rendered yourself somewhat conspicuous. Your manner of relating this part of your story, is so unconnected and disgusting, that I shall not attempt to quote your words, but briefly detail what actually took place, leaving to such as are interested to compare the two statements, and referring to every director, and Messrs. Stanton, Thomson and M. Donell for the truth of what I shall affirm:—

When in pursuance of Mr. Hagerman's suggestion and advice, a committee of Stockholders was appointed to act with the Directors in the investigation of the affairs of the bank, they entered on the performance of the duty assigned to them with zeal and carefulness; and every facility was afforded them by the Directors within their power; they



were also constantly present at every deliberation of the Board, and their opinions asked upon every subject that came under discussion; and I believe it would not be presuming too much to say, that there was not a single instance of disagreement between the board and committee. When the latter gentlemen had gone through with the investigation they had undertaken, and declared themselves ready to submit their report to the Stockholders, the Directors gave notice of the circumstance, and that a meeting would be held at Brown's hotel on the 23d December.—As this meeting was to be one of much interest and importance to the parties interested, it was very desirable that it should be properly managed, and it therefore became a matter of discussion at the board, in what manner it should be conducted; it was thought, that as the meeting was to be convened by the Directors, that they were the proper persons to conduct it; and Mr. Hagerman was accordingly requested by them to preside at it; and received instructions at the same time, to give to the Stockholders all the information in his power, on subjects connected with the institution. Mr. Hagerman most reluctantly undertook this duty, upon receiving the assurance of the Directors that he should have from them every possible support. Accordingly, when the meeting had assembled, Mr. Hagerman announced that the committee appointed by the Stockholders to investigate the affairs of the Bank, having declared themselves ready to make their report, the Directors had convened the present meeting with a view to its being submitted, and also for the purpose of giving to the Stockholders such further explanation as it was in their power to give in relation to the Bank; but observing that there were several persons in the room not Stockholders, he suggested the propriety of their retiring, as the meeting was intended to be confined to those only who were partners of the association. This latter observation excited the indignation of a Gentleman present not a Stockholder, who chose to consider that the remark, although made in the most general terms, was intended to apply

particularly to him, and in a manner not remarkable for coolness or discretion, he reproached Mr. H. for the observations: this led to a good deal of asperity and unnecessary warmth; in the course of which some one of the offended party observed, that the meeting being one of a general character, and not of the Directors only, Mr. H. had no right to assume the Chair, and proposed that some other person in the room should be elected. Mr. Hagerman at once stated that he had not assumed the Chair, but that he had been requested to take it, with a view of giving to such as were entitled to an explanation a full account of the affairs of the Bank so far as the Directors had any knowledge of them: and he further remarked that he should retain his situation until that was done, and then he should be most happy to resign it to any other person the Stockholders might choose to select. Notwithstanding this explanation however, much confusion continued, and Mr. H. perceiving that the chance of preserving proper order was hopeless, he proposed that the sense of the meeting should be taken, whether he should continue in the Chair or not, observing that as his situation was far from being enviable, he would abide by what might appear to be the wishes of the majority: upon this question being put it appeared that there was a majority of persons in the room, desirous that some other individual should preside, upon which Mr. H. immediately left his place and retired from the room.—In order however to shew that the minority was not such as he had any reason to be ashamed of, and how far the question was from having been almost unanimously carried, it is sufficient to state, that it was opposed by all the Directors, the members of the committee, and every considerable Stockholder present.—As soon as Mr. Hagerman retired the tumult increased, and there was for some time much difficulty in finding a Chairman, several gentlemen who were proposed having refused to officiate in consequence of the discreditable conduct manifested towards Mr. Hagerman: at length however the sapient Mr. McGregor was again elected; but

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no sooner had the report of the committee been read, than it was discovered that something more was required to conduct the proceedings of the meeting, than a *thing* to act as chairman; and as no respectable person in the room, competent to the task would undertake it, (*I believe you were overlooked!*) the dilemma the meeting had got itself into was very great. In this state of things it was determined to request Mr. Hagerman to return, and a message was sent him to that effect; to this he of course returned a decided negative; but the meeting having by this time discovered that his presence was of much importance, it was resolved that a committee should be appointed to request his return and to take the Chair; of this deputation, which consisted of three persons, you were one, and Mr. Atkinson, who had condemned the proceedings of the meeting from the commencement, but who was anxious to conciliate, consented to be another, the name of the third I do not recollect. The moment the proposal was made to Mr. H. however, he in language sufficiently expressive of the indignation he felt at the unmerited treatment he had received, refused to comply with the solicitation: he declared that he could not agree to place himself in a situation where he might be a second time grossly insulted. When the committee returned and intimated Mr. Hagerman's answer, the proceedings that ensued were both disorderly and unsatisfactory, so much so indeed that a majority of those who had from *misrepresentation* and *misapprehension*, voted against Mr. H's retaining the Chair, abandoned the meeting, and many of them called on that gentleman and expressed their regret at what they had inconsiderately done. At this meeting you rendered an account of your Presidency, which was in substance the same given by you before the House of Assembly; and here we have another proof of your inconceivable wickedness and folly:—surely Sir, you were not at this time awed by the influence of Mr. Hagerman, for he was not present; neither could you have been restrained from fully developing all you knew, by the caution, you *falsely* affirm,

he gave you not to refer to any member of the House of Assembly? Why then did you not bring forward at this time, those fearful charges you have since dared to insinuate against that gentleman?—Perhaps I may guess the right cause; your cowardly soul shrunk from the danger you apprehended from such a course; you probably feared (as I firmly believe would have been your fate) that you would have been hurled headlong into the street, by the persons present, had you dared so to have spoken of him. You say *you were thanked for your candid explanation on this occasion!* Pray Sir, will you be kind enough to favour us with the ayes and nays on the question's being put?

There is but one observation more to be made before the scene is shifted to York. You state that Mr. H. was at the time of the last meeting of the Stockholders in possession of the keys of the Bank; I have but a few words to say on this point, but they shall be conclusive. *On the morning of the 23d of December, Mr. Bartlet resigned the office of Cashier, and with it for the first time possession of the keys of the Bank, and the effects of the Institution.* Upon his doing so, it became a question with the Directors into whose hands the keys should be deposited: Mr. Hagerman was requested to take them until finally disposed of; this he did, and the board *immediately adjourned and proceeded to meet the Stockholders*; after Mr. H. had left this meeting as above stated, it was suggested to him, that it would be advisable from particular circumstances to remove the money and notes from the vaults; he accordingly accompanied by Mr. McLeod and one or two other Directors, went to the Bank; Mr. McLeod sealed up the packages containing those articles with his seal; they were then deposited in an iron chest in Mr. Hagerman's office, where they remained until the following morning, when they were again brought back to the Bank, the packages opened in the presence of all the Directors, the contents examined, and found to correspond with the account taken of them prior to their being placed in Mr. H's possession, and then delivered over to Mr. Stanton, and this is the length of time and

extent of controul Mr. H. ever had over the funds or property of the Bank.

No. 7.

SIR,

I now come to the consideration of that part of your narrative, which refers to the events at York;—events which I never can think of without shuddering; I will not now however indulge in making any remarks upon them, beyond what is necessary to point out the falsehood you have published in relation to them. Indeed I begin to feel disgust at continuing further notice of you, as at every step I take, I find new inducements to lament the depravity of human nature, exhibited in your total disregard of every thing like truth, and the hardihood you have evinced in exposing your worthlessness to detection.

You seem to have (in a certain degree) felt, that it was necessary for you to account, for not having stated at the Bar of the House of Assembly, the same charges you alledged against Mr. Hagerman in the Legislative Council Chamber, and you therefore give as a reason that you had been cautioned by that gentleman not to allude to, nor mention a member of the House of Assembly in the course of your remarks. Now let the reader attend to the following statement which, whenever necessary, I will prove by a person whose name from motives you may possibly understand, I for the present abstain from mentioning. When the report of the select committee was prepared, Mr. Jonas Jones, as Chairman, submitted it to the House, and in commenting upon it, he felt it his duty to state, that from the account you had yourself given of your proceedings as President, your conduct was proved to have been MOST INFAMOUS!, and that the failure of the Bank, was mainly attributable to you. You were standing in the lobby of the house, when this opinion was expressed; and it overwhelmed you with consternation!!; you had vainly hoped, that you had cajoled the committee into a belief, that you were an innocent and ill-used man!; the majority of them however, were persons who knew nothing of you, but what you

had told them of yourself, they also were not prejudiced in favour of one person or another, and therefore gave their opinions without bias; I say the majority of them were men of this description, for extraordinary as it may seem, Mr. Hagerman still clung to an opinion, that your conduct was less guilty than foolish. At the time Mr. Jones expressed the foregoing opinion of you, Mr. Hagerman was not in the house, but the remarks that had been made, were repeated to him, and he immediately expressed his regret at them, nay—so far did he carry his kindly feelings towards you, that he called you to him, and observing your agitation he told you, that he would use his exertions, to remove the impressions that might have been produced by Mr. Jones's remarks, unfavourable to your character; and actually did speak to Colonel Nichol, Mr. Charles Jones, Colonel Burwell, Mr. Ruttan, and several other members to that effect. The next day you procured to be drawn, a memorial to the house, praying that you might be heard at the bar, in your defence, and you sent for Mr. Hagerman, and requested him to give you his advice in relation to your petition, and to present it, saying that you wished, by a plain relation of facts, to remove the prejudice which had been excited against you by Mr. Jones. Mr. H. at once told you, that if you desired it, he would present the petition, but said that he must inform you, that if your object was to reply to the remarks made by Mr. Jones, you would not be allowed to do so; as it was contrary to Parliamentary usage for a person not a member to comment upon the language used by a member in debate; but that you might be heard in opposition to the passing of the bill or of any clause of it, but nothing more: you stated that you had nothing more to allege than you had already communicated to the committee in relation to the affairs of the Bank, and that if you could not reply to Mr. Jones, there was no use in your being heard; and therefore by the advice of Mr. H. concurred in by the friend present, you did not make the application: And this, Sir, is what you have che-

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*sen to state to the world, as a caution from Mr. Hagerman, not to allude directly or indirectly to him in the course of your remarks!* No person will perceive from this, that there was the slightest intention on the part of Mr. Hagerman, to restrain you from making any remarks you might think it necessary to offer in relation to his conduct as one of the officers of the Bank, indeed had he desired to do so, it would have been of no avail had you been an honest man, because when you were called on to give your testimony, before the committee, at which time you do not pretend to have received any such caution, it was your duty to have told not only the truth, but the whole truth, which certainly you did not do, if you believed the allegations you subsequently made. But the truth is, that at this time you had not the slightest idea of preferring them, they had not even entered into your imagination, but were the creatures of malice, and indignation, excited by circumstances that subsequently occurred, and which I shall now proceed to detail. It is generally known that a clause was introduced into the bill reported by the committee, (for the one ultimately passed is far different from that) legalizing the bond given by the Cashier, and his sureties, (of whom you were one and Mr. Patrick Smyth the other) for the due performance of his duties; to this clause, you of course were extremely hostile, and at the second reading of the bill you prayed leave, (which was at once granted you,) to offer your objections to it, to the house, in the hope of having your name expunged from it, but your arguments failed, a second speech, made for a similar object, at the third reading of the bill, was equally unsuccessful; you then, as a last effort, determined on finding out what effect the influence of other individuals would have, and you therefore managed to persuade one of the members to move, that the clause should be altered to meet your views; upon this some little debate ensued; in the course of which a gentleman in the house remarked, that he thought it *but justice* to you, to relieve you from responsibility. Mr. Hagerman upon this observed, *that the honourable*

*gentleman must have a singular idea of justice, if he considered it acting in accordance with its dictates, to discharge from responsibility one of the persons, to whose misconduct the failure of the Bank was evidently attributable, and subject an individual to the whole of it, who had had no share in the fraud committed on the public!* This was the first and only remark of a personal nature, towards you, or any other individual, made by Mr. Hagerman, during the whole progress of the bill, through its different stages; but, combined with the effect it had, of inducing the mover to withdraw his motion, it was sufficient to bring into action the malevolence, which seems to form a part of your nature, and from this moment you planned those schemes of vengeance which, (in your own mind) you resolved to wreak on the man, who, through good report, and bad report, had ever stood your friend. Your malice was also soon after considerably augmented by an other occurrence hostile to your views, and which you relate yourself, viz. Mr. Hagerman's objecting to the clause binding the property of Bartlet and Ferguson, which you induced Dr. Baldwin to propose for adoption, unless YOUR OWN NAME was inserted; Mr. H. considered that as the failure of the Bank had been attributed by the committee to the misconduct of THREE persons, of whom you were one, that it would be unfair to subject two of the three to greater penalties than were inflicted on the third; and his arguments were so reasonable that Dr. Baldwin immediately assented to them, and altered his motion accordingly. The bill was then UNANIMOUSLY passed and sent to the Legislative Council for concurrence, and before THIS honourable body it was, that you chose to pursue a course of conduct the most wicked in its conception and infamous in its object; but which you however have dared to speak of with exultation, as the triumph of virtue, over oppression and injustice! But even here, Sir, I am enabled to disappoint you, and to point out your infamy and misrepresentation. You speak of it as a matter of course that the alterations made to the bill in the Legislative Council

were entirely owing to the influence of your representatives. But let the reader attend to the following account. Mr. Hagerman had heard with utter astonishment that before a committee of that house, you had insinuated the darkest calumnies against him, and having heard that you were to be heard at its bar against the passing of some of the clauses of the bill, he determined on being present, when you should be admitted to offer your objections. Accordingly he was in the lobby when you delivered the harangue which you have since published as your speech, the absurdity of which can only be equalled by its wickedness! And I will just observe, *en passant*, that I cannot but consider, that the Legislative Council suffered their dignity to be insulted, and the rules of Parliamentary usage to be infringed, when they allowed a person to stand at their bar, and instead of confining his observations to arguments against passing the bill then under discussion, and which was all he had any right to allege, to diverge into the grossest personal abuse, and which would not in the least influence the decision about to be pronounced upon the question before them, and in support of which not the slightest evidence was offered; it certainly seemed like listening to idle gossip, and personal slander. But to return, when you had concluded your remarks, Mr. Hagerman felt it incumbent on him to be heard in reply, and when he applied to the house for that purpose, it certainly was his intention to have made some observations in proof of the villany which you had been guilty of, and which had actuated you in your attack upon him; but a sense of better and higher feeling soon flashed upon his mind; he examined his conscience, and found no sting there; he had received assurances of confidence and esteem from men, who were well acquainted with every motive by which he had been governed in the measures he had advised, and prosecuted with respect to the Bank, he considered the situation in which he stood as a member of society, and he reflected on the person from whom sprung the slanderous charges that had been alleged against him;

and he immediately changed his resolution. "When he appeared therefore at the bar of the Legislative Council, he remarked that he did not appear there for the purpose of preferring charges against any one; and that he should despise himself if he considered it necessary to repel those that had been insinuated against him; he trusted to the knowledge those he was addressing had of him, for a justification from the attack, (malignant as it was unexpected,) that had been made upon him, and that if he believed that his character required that he should repel the charges brought against it by you, he would no longer consider it worth preserving; and he added, *that notwithstanding the injury you had endeavoured to do him, he would not be provoked into unjust retaliation, and therefore, although he considered your conduct as one of the principal causes of the failure of the Bank, yet he never had had sufficient evidence laid before him, to induce him to charge you with having robbed the institution, and therefore he was as ready to acquit you of guilt in that respect then, as he was when he drew up the resolutions, at the time of your retiring from the Presidency.*"

He then proceeded to urge his reasons why the clause to which you were hostile should not be altered by striking out your name, and concluded his remarks. The question was soon after put, and as a proof that any thing you had advanced had no weight, the bill was PASSED WITHOUT ALTERATION, and ordered for a third reading; and in the course of the debate, censures, far more severe were passed on your conduct, and particularly on your speech, by members of the Legislative Council, than any that had been used in the House of Assembly, *even those two venerable gentlemen, to whose determined stand you say you owe your escape from ruin, did not venture to make one single observation favourable to you.*

I shall now shortly state how it happened that the bill was altered to what it now is, (from which it will be seen whether it was

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owing to your influence.) When the third reading came on, an honorable gentleman who had not been present during the debate of the former day, but who was opposed to the bill altogether, came down to the house, and another honourable member who was favorable to its provisions as it then stood, was taken ill, and was obliged to be absent; the consequence was, that the house being thin, the members were equally divided, and the law must have been eventually lost, had there not been mutual concessions; and accordingly it was agreed to adopt the amendments, (offered I believe by Mr. Dickson,) and to send them to the Lower House for concurrence.

I have now come to a conclusion of the examination of all the measures detailed in your Pamphlet, in which you have implicated Mr. Hagerman and others; my next number, and which I trust will be the final one, I shall devote to the consideration of the account you have given of YOUR OWN CONDUCT AS PRESIDENT OF THE BANK, by which I think I may promise to satisfy every impartial person, that Mr. Jones was fully authorised to stigmatise your conduct AS INFAMOUS, and that no better justification can be made out, than will be established by Mr. Hagerman's milder assertion, that YOU WERE ONE OF THOSE TO WHOSE MISCONDUCT THE FAILURE OF THE BANK WAS MAINLY ATTRIBUTABLE.

Before closing this number, however, as I do not wish to refer back to any part of my remarks as I proceed, I feel it my duty to offer some apology for a part of Mr. Hagerman's conduct which I am aware has been much, and I think deservedly censured; I allude to his having expressed ANY OPINION as to your innocence before the bar of the Legislative Council, for although I have most completely refuted the charge of inconsistency, which you have brought against him, i. e. of ACCUSING YOU BEFORE THE ONE HOUSE, AND ACQUITTING YOU BEFORE THE OTHER, and for the truth of my statement with respect to which, I have not the least hesitation in appealing to every member of the House of Assembly that knows any thing

of the matter, yet I think he was doing an injustice to the other individuals against whom charges of dishonesty have been brought, and who for aught the public, or even any one of the Directors, know, are as perfectly innocent as you are: but an excuse may be found in this, that a man of proper feelings cannot easily give way to invective, even though he should have great reason to exercise it, especially against one to whom he had long extended his friendship; there are also some reasons of a more peculiar nature that have been hinted at by another writer, which may be supposed to have had their weight: but as this is no very interesting part of my undertaking, I shall say no more upon it.

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No. 8.

SIR,

When you were elected by the votes of the Directors of the Bank of Upper Canada at Kingston, to the respectable and responsible office of President of that institution, you were considered honourable and honest, and if not a man of much ability, yet you were regarded as possessing sufficient to guide you in the correct discharge of your important duties. With this impression you had given you in charge, the keys of the vaults, containing the treasure of your constituents, and of the public, to prevent its being opened without your knowledge and consent; your authority to dispose of its funds, was commensurate with that of the Cashier; no bill could be issued, no charges paid, nor any single matter of importance transacted, without your privity and approbation, and certified by your signature in writing. The rules adopted by the Directors for the regulation of the business of the Bank, and for the safety of its funds, were confided to your superintendance, in a more especial manner than to that of any other officer; and it was your duty to report any infringement of any one of them that might come to your knowledge.

It was also expected of you, that you would from time to time, examine the money and

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other funds of the institution, by which you might have it in your power, to vouch for the correctness of the statement made up by the other officers of the Bank, and which was read by you from your seat, to the Directors every discount day. It shall be my business, in the course of this number to shew by your own statement, how deficient you were in the performance of those important trusts, and leave it to the public to pronounce, whether your conduct was not often times "infamous," and whether you are not one of those persons "to whose misconduct the failure of the Bank is attributable." I should like however, to know in the first place, (if it were possible to come at the truth of the matter,) how it happened, that you should, on your return from Montreal, in June 1822, be so suddenly seized with a desire of having a full and entire investigation of the affairs of the Bank!—this anxiety was never so expressed by you before;—but I should be particularly gratified to learn, why you did not apply in the first instance to the directors, for leave to prosecute this investigation, instead of deferring your application until you found yourself impeded by Mr. Bartlet? but as this is a part of your conduct which I fear must remain involved in mystery, (unless it is explained by the 3d charge brought against you by Mr. Bartlet,) I shall hazard no conjectures of my own upon it, which may only seem to mislead, but proceed to examine that part of it about which there is no doubt. In the first place then, if your designs were honest, why did you not, immediately on your ascertaining that 71 notes were lying over not renewed,—that Mr. Bartlet and two of his friends had over-drawn their accounts to the extent of £1000, and that Mr. Dalton had run up his account to three times the sum he was authorized to draw, make these circumstances known at the board of Directors, and require an investigation into the conduct of the Cashier?—Why, I ask you, did you not do this immediately, instead of waiting several days, and then mention the circumstance to one or two of the Directors, at their own houses in the course of conversation?—Was it not a

breach of trust, was it not infamous in you as President, to withhold this information?—Why, also, did you not state all these circumstances that had excited your "surprise and disapprobation" to the Board in relation to Mr. Bartlet's proceedings, and in particular, his tearing up the paper you had communicated to him, (officially I suppose,) and giving for answer to your messenger, that you were interfering with what was none of your business?—Was it not your bounden duty to have submitted these matters to the Board, and was it not infamous in you to withhold from them the knowledge you had, of the improper conduct of one of their principal Officers?—In the next place it appears from your own statement, that Mr. Bartlet had no objection to your going on with the investigation of the books, &c. provided you obtained the approbation of the Directors, (vide his letter to you, which you have published, page 6 of your pamphlet, and also your own admission, page 8.) Now Sir! if you conceived that this investigation was of importance—(and certainly it was) and you were actuated by honest motives in what you were doing, why did you not apply to the Directors for their authority?—and was not your conduct infamous in not doing so?—Do you think it in the least probable that the President of any other Bank in the Provinces would have proceeded thus?—or if they should have ventured on such proceedings, that they would not have been dismissed from their trust with indignation and scorn?—I now come to consider those charges which Mr. Bartlet preferred against you, and which you do not pretend to deny the truth of, (with the exception of the third, which for that reason I shall not notice,) but with inconceivable effrontery and folly, have pronounced to be "frivolous, foolish, childish, and ridiculous." Now let the public pass their opinion upon them. The first is "you having allowed the board of Directors to suppose a note drawn by Mr. Bartlet, and payable to you, had been indorsed by you, when, in point of fact, it had not been so endorsed, by which means that individual got a credit of 800*l.* with the Bank, and no other security than

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his own note of hand, contrary to the established rules of the Bank, which you were in a particular manner bound to preserve inviolate. The second charge is "that by a similar deceit practised on the Directors, you procured a credit to yourself for £1700, on your individual security." And the last "That you disposed of 1000*l.* of the funds of the Bank without the authority of the Directors." Now let the public reflect that every note before it was discounted, or even considered, was first examined and read by the President, and unless reported by him to have at least one substantial endorser, (and the President was always regarded as such,) was at once rejected; & then answer the question, whether it was not infamous in him, to allow the Directors to believe this rule was complied with, when in point of fact it was not; & the more especially in a case where he was himself interested! And does not every impartial man think, that he ought to have been suspended when found to have been guilty of such glaring impropriety of conduct?—In making these remarks I am not considering what Mr. Bartlett's motives might have been for preferring these charges, with them I have nothing to do, I am only speaking of the fact. The next, and I am rejoiced to say the last part of your pamphlet which appears to require notice is that relating to your obtaining the sum of 8,000*l.* of the funds of the Kingston Institution, from the Bank of Canada, a proceeding not only infamous in itself, but which was the direct and positive cause of the failure of the Association. You endeavour to account for your conduct in this instance, by declaring, that your object was to prevent this large sum falling into the hands of "one of the conspirators." Now let those who choose to reflect, consider the following circumstances, and then answer whether they think it possible, that such could have been your motives; In the first place would it not have been sufficient for your purpose to have stated to Mr. Armour, (from whom you received the money,) your apprehensions, and put him on his guard against delivering the mo-

ney to any person, not authorized to receive it by all the Directors?—In the second place if your intentions were honest, why did you, immediately on receiving the bills, put 1,000*l.* of them in circulation on a security payable to yourself? In the third place, why did you refuse on your return to Kingston, to deposit the money you had surreptitiously obtained, in the vaults of the Bank, when required so to do by all the Directors; or if you considered them unworthy of trust, why did you refuse to lodge them with the two highly responsible persons that were named to you, and in whose hands you were desired to leave them? And lastly let it be considered, how totally absurd the idea is, of your having obtained the money, to prevent its falling into the hands of either Bartlett or Dalton, who you have principally alluded to, as being the conspirators. (Mr. Hagerman you do not pretend was one, because, during these proceedings he was some hundreds of miles from Kingston.) If it had been the intention of either of these persons to possess themselves of any amount of the funds of the bank, was it not in their power to procure them without travelling to Montreal at the rapid rate you speak of? could they not have descended into the vaults at once, and taken from thence without any particular fatigue, 20,000*l.* if so inclined? When these things are considered, I feel perfectly assured, that no rational man can believe for one moment, that you had any other object in view, than to procure the means of coercing the Directors into the adoption of such measures as you might dictate; and in attaining which, I lament to say you were, in a great degree successful.—I have but a few more words to say, to prove in what manner this infamous conduct had the effect of causing the failure of the Bank, and then I shall have done with you, and (I hope,) for ever. When you arrived in Montreal, Mr. Armour had not heard of your suspension, and therefore, upon your application, he without hesitation put the money into your hands, with which you left his office, without stating one word of what had transpired with respect to you at Kings-



ton ; shortly after, however, he was informed by another person of what had happened, and the impropriety of having given you the bills was at once seen ; you were enquired after, but you had left town ; and it was now discovered that you had put 1,000*l.* in-circulation. It was at once believed that you intended in the same way to dispose of the residue ; and it was in consequence determined by the Directors of the Bank of Canada, to refuse to redeem any more of the bills of the Kingston Bank, although the latter Institution had actually at that time, a credit with the former, for from 5,000 to 7,000*l.* And thus the ruin of the association was brought about ; and with it distress and misfortune, to many an innocent and worthy man. From this detail, can any one say that Mr. Jones was not authorized in stamping your conduct as *infamous* ? will any one affirm that Mr. Hagerman was not justified in saying that *you were one of the persons to whose misconduct the failure of the Bank was attributable* ? Adieu Mr. Whitney,—had as you are, the hand that has traced these lines has often fastened in recording your depravity, and the heart of the man to whom that hand belongs, has often throbb'd with anguish, in re-collecting your black ingratitude, your har-

dened profligacy, your unprovoked slander : The castigation I have found it my duty to inflict upon you, may possibly have some good effect, even with you ; it may bring you to a sense of the enormity of your crime, in endeavouring from mere wantonness of malice, to affix suspicion on a man *you know and believe* to be as guiltless of the crime you allege against him, as is the infant unborn.—Go Sir ! I cannot hope for a public retraction, but let me recommend you *in private at least*, to supplicate mercy and forgiveness from *Him*, who is ready to listen to the language of repentance, and if it be any consolation to you to know it, receive the assurance that in the breast of the person, you have most endeavoured to injure, there remains no spark of resentment, nor desire to do you harm ; and in conclusion, let me recommend you to consult that book from whence I trust you will henceforth draw the precepts necessary to guide you in your pursuits through life ; you will find recorded, that he only shall dwell in Heaven "that leadeth an uncorrupt life, and doth the thing which is right, and speaketh the truth from his heart. He that hath used no deceit in his tongue, and hath not slandered his neighbour."

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ELNGSTON, July 20th, 1823.



H. C. THOMSON, Printer.

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