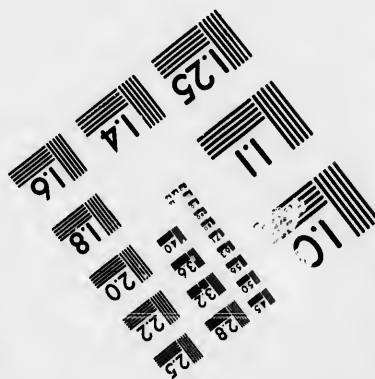
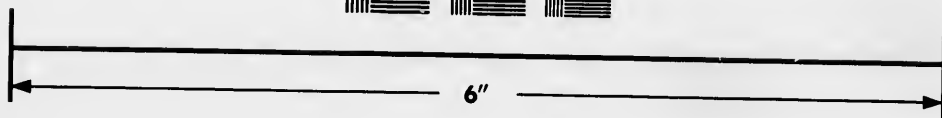
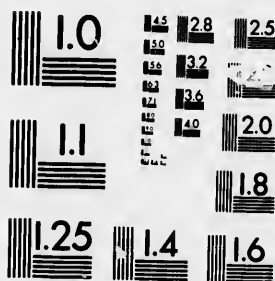


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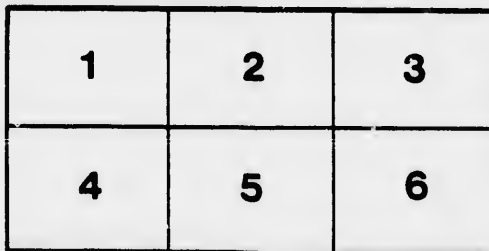
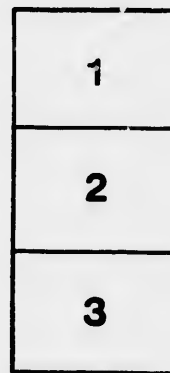
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**TO THE PUBLIC.**

FROM the injurious and unwarrantable remarks which appeared in the Colonial Advocate, and in the Observer, relative to a conversation which took place between Mr. Willis and myself on the 13th June last, I am compelled, in my own justification, to give you a statement of what actually did occur at that time, and to make some remarks upon charges which have been advanced since. To those who know the characters of these two papers, and who know me personally, a statement of the kind, which I am now going to offer, would be quite unnecessary, but to those who are unacquainted with me, and who, perhaps, know little more than the names of the journals I allude to, the following statement may be in some degree useful.

I must add, however, that the Editor of the Canadian Freeman has behaved with more justice on this occasion, in forbearing to state the particulars of the case until he has heard both sides of the question,

Being aware that Mr. James Givins, who Mr. Justice Willis had informed me was to act as his Clerk on the Eastern Circuit, had business to transact in the District of London about the time the Assizes would be held there for the present year, I asked him whether he would not rather prefer accompanying my Father on the Western Circuit, as Clerk of Assize, as I was

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quite anxious to affect a change, if possible, my Father being desirous that I should be present at the trial of an Ejectment cause, in the District of Bathurst, in which he himself was concerned, merely to prove a demand of possession previously to suing out process. I informed Mr. Givins, that I perfectly well knew the Eastern Circuit to be the more lucrative of the two, and that I would give him the difference, to which arrangement he assented. I then communicated the circumstances to Mr. Willis, who expressed himself highly pleased with the change, and stated his entire satisfaction of it to several of my friends. Nothing transpired for some time, and I took it for granted, from what had passed, that it was finally settled I should accompany Mr. Willis as his Clerk; indeed he himself mentioned to my Father that such was the arrangement. During the sitting of the Legislature my Father received a letter from Mr. Willis stating, that he had determined not to take me for his Clerk, as a cause would come before him to be tried in which my Father was interested, and that he did not wish the *purity* of his motives in the least suspected. However, before the receipt of this letter, my Father had come to the conclusion not to allow me to act in this situation for him. The arrangement, I have just mentioned, became the subject of conversation between Mr. Willis and my Father on the first day of last Trinity Term, when, I am informed by my Father, that he stated, he would not take me on the Circuit as his Clerk of Assize "*on any account,*" insinuating, as my Father understood from his words and

manner, that he knew something to the prejudice of my character. I instantly determined, for my own satisfaction, (and that I might convince my Father that there really was no ground for such an objection) upon asking Mr. Willis his reason for what he had said. I also intended to take the precaution of having a third person present when I spoke to him, for fear that he might afterwards make some improper statements, which he has most certainly done, but observing him standing alone upon the Bank of the Bay, I unfortunately addressed him without carrying this precaution into effect. I asked him his reasons for saying what he did, respecting me, to my Father?—To which he replied, that my conduct had been so particularly bad, that he had seen me in the street (pointing towards his own house) in a state far from being sober. I told him that it was not the case, (which I now positively assert) and that I would not descend to act as his Clerk, and further, that I might at some future day have it in my power to demand satisfaction from him, as a Gentleman, for the groundless aspersions and insinuations which he had thrown out against my character. He told me to be cautious, that he might be under the necessity of taking steps against me, that I might afterwards regret. I told him, that he was at full liberty to do whatever he pleased. He then asked me to walk with him to the Police Office, which I declined doing, saying, that he might go and make his complaint, and that I would be ready to answer it at any time. At that moment Lady Mary Willis came up to us. He directed her

to send immediately for a Constable, that there was a "Man" here who talked about satisfaction. I said, Sir, you know perfectly well the satisfaction I mean, it is that which one Gentleman has a right to ask from another when he has done him an injury as you have done me, but your standing in society precludes me from claiming that right. He then left me, in a most violent rage, in quest, I supposed, of a Constable. I was afterwards informed by Mr. Widmer, that he had made his complaint to him as a Magistrate, and requested him to call at his house, and take his deposition. In pursuance of which he did call, but by that time Mr. Willis had altered his mind, and in order to create more noise and trouble, had determined to make a complaint against me to the Government. For that purpose on the 18th June last, he directed a letter to Major Hillier, requesting him to lay it immediately before His Excellency the Lieutenant Governor, stating in a most unfair, uncandid and improper manner, the subject of the conversation which took place between us on the day before, and making other accusations against me equally unfounded, and such as he ought not to have made, because he must have known them to be untrue. He most unfairly perverted what I had said, so as to answer his own purposes. He stated that, I said "I might find a time and place where I would demand satisfaction," giving His Excellency to understand that, I intended to take some unlawful advantage of him when an opportunity might occur. This statement was unfair because it was untrue. These statements of Mr. Willis were put

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into the hands of the Attorney General for the purpose of investigation, and being called upon to answer them, I learned the fact of Mr. Willis' having insinuated that, I would perhaps take his life (for no one could misunderstand his meaning,) I wrote to him in consequence the following letter as a second explanation of what I had already said to him.

YORK, *June 23, 1828.*

SIR,

From a communication which the Attorney General has had with me upon the subject of a conversation which took place between yourself and me, on the 18th instant, I find you have made such a statement as conveys the impression that, I had demanded satisfaction of you, for an injury to my character, in a manner that, might imply a threat of improper proceedings on my part. I beg to assure you that you have placed a wrong construction upon my words, which I was very particular to guard against *expressly*. I never could by any possibility so far forget myself as to threaten a Judge of His Majesty's Court of King's Bench, or to call upon him for satisfaction in the ordinary sense of the Term. Had I done so, I should equally have forgotten my own situation and yours, and should have acted in a manner which I freely confess would have been most improper. I acknowledge having said, under the influence of what I considered great provocation, that you might at some future day be placed in a situation, when I could claim satisfaction from you as a Gentleman—that your pre-

sent standing in Society precluded me from doing so at this time.

The above explanation I gave you in the presence and hearing of Lady Mary Willis, who came up to us at the close of the conversation.

I am, Sir,

Your obedient Servant,

H. SHERWOOD.

To Mr. JUSTICE WILLIS,

His conduct was such upon the receipt of this letter as to create suspicion in the mind of the person who delivered it, and in the minds of his own servants that I had been taking another improper and unjustifiable step, in order, as I supposed, to strengthen as much as possible the feeling in his own favor which he thought had been produced by the false and scandalous accounts published to my prejudice in the Advocate and Observer; but for this there were likewise no grounds. In his letter of the 18th June last, which I have already mentioned, he stated that, "a man by the name of Scanlan, came to him on the 2nd June, to complain of me and other young men, having on the Friday previously broken his windows," when at the same time he knew the complaint to be absolutely false, and had expressed his conviction of its falsity as will appear by the following statement of William A. Campbell, Esquire, Clerk of Assize for the Home Circuit.

"Some time in the early part of this month, I met Mr. Justice Willis in the public street, who mentioned to me that a man by the name of Scanlan had made

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a complaint to him, against myself, Mr. H. Sherwood, and others, for breaking his windows a few nights previous to this—I informed Mr. Willis that there was no truth in the statement, to which he replied, that he had never believed it,—that he now felt perfectly convinced of its falsity, and advised me to take legal proceedings against Scanlan, for circulating so false a report.”

WM. A. CAMPBELL.

*York, June 20th, 1828.*

But the inconsistency of Mr. Willis' conduct and statements will be very evident when I state, that he not only had admitted to Mr. Campbell his conviction of the groundlessness of Scanlan's complaint, and recommended him to prosecute the author of it; but, the person with whom, he expressly proposed to replace me as his Clerk of Assize, was the same Mr. Campbell who was just as much implicated in Scanlan's charge as I was. Mr. Willis also states, that “I was one of those recently convicted before him of “the Type Riot,” I must confess that I am a little astonished at the reference Mr. Willis makes to my being one of those recently convicted of the Type Riot before himself. A few months after Mr. Willis' arrival at this place, he formed an acquaintance with me, which was quite unsolicited on my part, and while we were living in the strictest intimacy he frequently conversed with me upon the subject of this trespass, and stated in terms that could not be misunderstood,

that he regretted the *bad example*; but did not blame me and the others concerned at all, as he himself could enter into the feelings which prompted us on that occasion, and when he was in full possession of all that occurred at that time, which he had learned from the public prints, and from those to whom he had pretended friendship, he kindly offered to assist me in my studies and to use his best exertions to get me on in life, and frequently spoke of me to my friends in terms of the grossest adulation. He was then, of his own accord, on terms of far greater intimacy with me than the Chief Justice, or the Attorney General, with whom I am studying, and who have known me from my childhood, and so far lost sight of that distance between us, which he now wishes should shelter him, while committing the greatest injuries against me, that he did not scruple to revile in a most unjustifiable manner, good and respectable persons who were above him in rank, and to lavish extravagant praises upon others against whom I see him to be now most inveterate. The public are in full possession of all that took place on the criminal prosecution to which Mr. Willis alludes, and can judge of his abhorrence of our conduct from the fine of Five Shillings which he imposed upon each of us. An explanation has been also required of me upon another complaint of Mr. Willis, in a letter dated 21st June last, likewise directed to Major Hillier, for the information of His Excellency, and in which he states as follows: "I have just received information, which I have every reason to believe correct, that on Thursday last, he (mean-

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"ing myself) made use of, and applied to me, in allu-  
 "sion to opinion I delivered on Monday last, the  
 "terms, Ruffian, Blackguard, Damned Rascal, &c.  
 "&c. and said I was setting up the standard of rebel-  
 "lion and harangring the people against his Excel-  
 "lency, and made other observations of the like ef-  
 "fect, even in front of the Court House, 'and adds, I  
 "do not think in such a state of things my life is free  
 "from danger," and in a subsequent letter to the  
 Attorney General, dated 25th June last, he states  
 "that," he was informed of the calumnious expres-  
 "sions "(I have just mentioned) by Nathaniel P. Buck-  
 "ley, and that Buckley's statement was corroborated  
 "*in his presence* by Timothy McPherson, and Bird, the  
 "Crier of the Court, who were brought to him by  
 "Buckley. He also states in the same letter, that  
 "Bridgeland can give important information on this  
 "subject." These charges I have been called upon to  
 explain and I declare them to be wholly false, and it  
 is fortunate for me, when a person in Mr. Willis' sta-  
 tion condescends to make such attacks upon me, that  
 he has given himself a latitude which enables me to  
 expose the malice that prompts them. Bird and  
 Bridgeland are known to be honest men, and to them  
 as well as to Mr. Small, I instantly referred Mr. Wil-  
 lis' statement. Their statements will shew the result  
 of the reference, and when I add, that Bird and Bridge-  
 land are persons with whom I have never scarcely  
 had occasion to speak on any subject, and that Mr.  
 Small is well known to be on perfectly friendly terms  
 with Mr. Willis, I am convinced these documents will

appear satisfactory, and will prove what grounds Mr. Willis had for asserting that the falsehood was corroborated by Bird, *in his presence*.

*Upper Canada, } John Bird, of the Town of York,  
Home District. }* in the said District, Yeoman, maketh oath and saith, that he never heard Henry Sherwood say, either in front of the Court House or any where else, that "Mr. Justice Willis was raising the standard of Rebellion in the Province," or say any thing at all, in the slightest degree prejudicial to Mr. Willis; that a man by the name of Timothy M'Pherson, as this deponent is informed, told him that he had heard Henry Sherwood say, in front of the Court House, in the presence of James E. Small, Esquire, that "Mr. Willis was raising the standard of rebellion in the Province," or words to this effect;—that the said Timothy M'Pherson has several times endeavored to persuade him, this deponent, that he, this deponent, heard the said Henry Sherwood make use of such expressions,—that a man by the name of Nathaniel P. Buckley, a Clerk in the Crown Office, as this deponent is informed, requested him, this deponent, to go with the said Buckley before Mr. Justice Willis, which this deponent did—where he found the aforesaid Timothy M'Pherson, and in the presence of the said M'Pherson and Buckley, this deponent informed Judge Willis, that he never heard Henry Sherwood say any thing against him at all; and this Deponent further saith, that the said Nathaniel P. Buckley also wished to persuade this Deponent

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that he had heard the said expressions, as mentioned by Timothy M'Pherson, and wished him, this Depo-  
nent, to make Affidavit to that effect—which this De-  
pouet declined doing, as he had never heard any thing  
at all, and could not do so with truth.

*Sworn before me, at York, aforesaid,  
this 27th day of June, 1828.*

(Signed.) G. POWELL, J.P.

(Signed.) JOHN BIRD.

The expressions said to have been made use of by  
Mr. Henry Sherwood, in my presence, in the above  
Affidavit, are entirely incorrect.—Nothing to my re-  
collection, fell from Mr. Sherwood but what was  
strictly respectful to Mr. Justice Willis.

*York, June 27th, 1828.*

(Signed.) JAMES E. SMALL.

*Upper Canada, } James Bridgeland, of the Town  
Home District. } of York, Yeoman, maketh oath and  
saith, that he never heard Mr. Henry Sherwood say,  
either in front of the Court House or any where else,  
that "Judge Willis was raising the standard of Rebel-  
lion in the Province," or make use of any expressions,  
at all to the prejudice of Mr. Justice Willis;—that a  
man by the name of Timothy M'Pherson, as this De-  
pouet is informed, told him that he had heard Mr.  
Henry Sherwood say, in front of the Court House, in  
the presence of James E. Small, Esquire, that "Mr.  
Willis was raising the standard of Rebellion in the  
Province"—or words to this effect.—And this Depo-  
nent further saith, that he informed the said Timothy*

M'Pherson and Nathaniel P. Buckley, that he had never heard any conversation of the kind.

*Sworn before me, at York, aforesaid,  
this 27th day of June, 1823.*

(Signed.) G. POWELL, J. P.

(Signed.) J. BRIDGELAND.

M'Pherson, the person mentioned in these Affidavits, is a man of a notoriously bad character, who has been frequently committed to Gaol, for insolent and improper conduct; and Mr. Willis could have learned his character from almost every person in 'Town. He is a man with whom I have never spoken a word in my life.—Nathaniel P. Buckley, the other person mentioned, now a Clerk in the Crown Office, came out from England as a Servant to Mr. Willis; and whether from motives of gratitude, appears, from this and other complaints of Mr. Willis', to have made it a practice of repeating to Mr. Willis, every idle tale he hears to his prejudice, even such as are spoken of in the Crown Office; and if he did state, what Mr. Willis says he did, (which I very much doubt) he has made a statement utterly destitute of truth.

M'Pherson had not the hardihood to say my conversation was directed to himself, but in order to make his story bear the semblance of truth, and that my words should appear to have the effect of doing Mr. Willis a greater injury, he supposed it necessary that I should have made use of the expressions "*Ras-*

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these Affidavits, who for insolent could have any person in never spoken by, the other Crown Office, Mr. Willis; appears, from 'is', to have Willis, every such as are he did state, very much destitute of

ay my con- in order to h, and that ct of doing it necessary ions "*Ras-*

*cal,*" &c., before mentioned, to some more respectable person; and having observed James E. Small, Esquire, the acting Clerk of the Crown, and myself, standing together in front of the Court House, he seized upon this incident as a fit ground to devise a most infamous falsehood.—He stated to Mr. Willis that, I made use of the expressions of which he complains to Mr. Small, who was then, and now is, on friendly terms with Mr. Willis, and of whom Mr. Willis made immediate inquiry, and was informed by Mr. Small, that there was no truth in what McPherson stated; and was further informed by him, that McPherson was a man of a very bad character—entitled to no credit whatever.

To these assurances Mr. Willis thought it justifiable to pay no attention, but persisted in giving publicity to the statement of a man who cannot be believed, in preference to that of three persons of integrity and undoubted veracity. I appeal to every honest man in the country, and ask if Mr. Willis has substantiated a single one of his allegations against me, and rather if he has not made most unfounded insinuations prejudicial to my character, for purposes which I can easily understand. These reiterated calumnies, as I have proved them to be, have destroyed my respect for Mr. Willis; but, I respect, as much as any other member of society, the situation which he lately filled. That situation can give him no right to slander his fellow subjects, and if he does so, he cannot expect that they will be restrained by any regard for the rank, from meeting his attacks, or the

calumnies which his groundless charges have given rise to. He has plainly and openly asserted, that since the late assassination of the unfortunate man in the public street, circumstances have transpired to cause him to suspect "*that his life is not safe,*" and he connects this cruel and aggravating insinuation so closely with my name, as to leave the public to infer what he dare not assert. He insinuates he is fearful I will take his life, yet he does not think it necessary to have me bound over in sufficient sureties to keep the peace, as he legally may do, and as every man would do, who was sincerely apprehensive of losing his life. Directly after the conversation between Mr. Willis and myself, his first impulse, before he allowed other feelings to predominate, was to apply to a Magistrate, which I have already mentioned, but he thought his ends would be much better answered by complaining to the Governor, who cannot possibly afford the necessary relief in such a case, and to whom he has openly stated his fears—but not content with proceeding thus far, he now, it seems, sends to His Majesty's Principal Secretary of State for the Colonies the charges which, I think, I have very satisfactorily shewn to be utterly untrue. Is this the conduct, I will again ask, that a man really apprehensive of losing his life would pursue?—or may I not very justly ascribe it to a desire of gratifying the worst of feelings at any hazard, and with whatever injustice?

I have been born and brought up in this Province; I have lived four years in this society, where I must be perfectly well known;—Have I ever been found

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to indulge in habits of intemperance, even by my associates and schoolfellows?—Have I ever been thought a person who would commit assassination?—Have I ever been known to injure the character of my neighbour by word or deed?—No, God forbid!—Yet Mr. Willis has the presumption to insinuate all. I am well known here—my standing in society is a sufficient proof of my good behaviour. I have relations and friends holding high and respectable situations under the Government, whose loyalty and attachment to the British Constitution were never doubted; and I am perfectly willing that my character shall undergo as strict a scrutiny as Mr. Willis'—I may be thought to have expressed myself strongly, but I have written as I feel, and Mr. Willis must know and feel how much more I might have said with truth and justice.

#### H. SHERWOOD.

Since preparing the above statement for publication, I have seen in the *New York Spectator* an extract taken from the *Colonial Advocate*, containing the misrepresentations I have alluded to, on the subject of the conversation which took place between Mr. Justice Willis and myself, which induced me to address the following Letter to the Editor of the *New York Spectator*:

*To the Editor of the New York Spectator.*

YORK, 16th July, 1828.

SIR,

You have made an extract in your paper of the 8th July instant, from the *Colonial Advocate*, in which I

am stated to have grossly insulted Mr. Justice Willis, with many other misrepresentations highly prejudicial to my character. I now tell you that, the statement to which you have ventured to give publicity is utterly untrue. How the conductor of so respectable a paper, as the New York Spectator, would presume to vilify the reputation of any member of society, from the statement of so flagitious and vile a person as Mc Kenzie the Editor of the Advocate, is to me astonishing.—His unprincipled character must have been well known to you long ago. It is so notoriously worthless, that no conductor of any useful and respectable press, either in Upper or Lower Canada, will give credence to any thing he asserts. Those who pretend to place reliance on his statements, are men who will catch at any thing to injure the character of reputable and good individuals, not that they believe Mc Kenzie, for they are perfectly well aware at the time, that they are disseminating malicious falsehoods.

A statement of the conversation which took place between Mr. Willis and myself, at the time alluded to, in the extract from the Advocate, is now in Press and will shortly be sent to you;—in the mean time I beg you will insert this Letter in your paper,

I am,

SIR,

Your Obedt. Servant.

H. SHERWOOD.

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