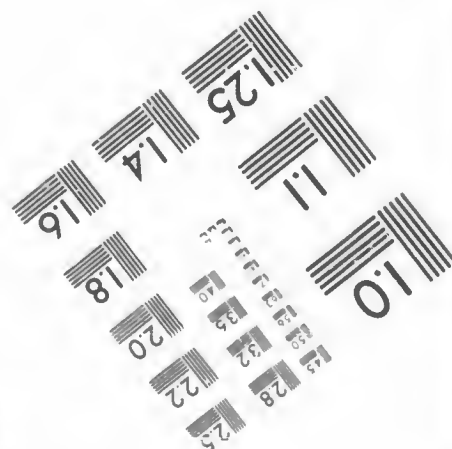
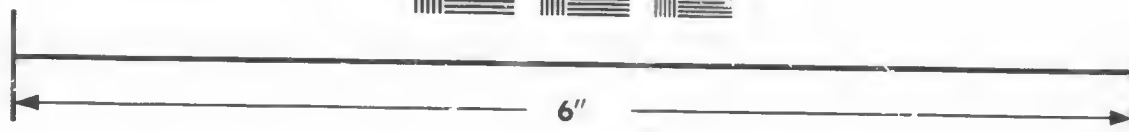
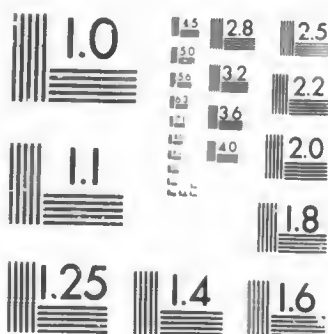


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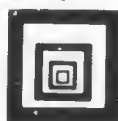
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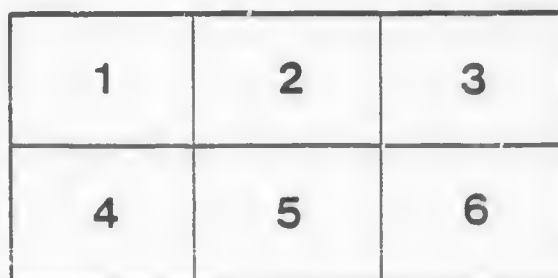
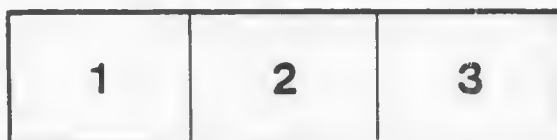
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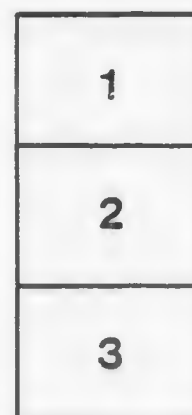
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Hogsett, Aaron, 1777? - 1858

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Case of the Late High Sheriff of  
Newfoundland.  
THE FOLLOWING

## CASE

IS RESPECTFULLY SUBMITTED BY

AARON HOGSETT,

*Late High Sheriff of Newfoundland.*





## CASE, &c.

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MR. HOGSETT entered His Majesty's Service in the year 1807, as Clerk in the Royal Navy, and continued to serve in that situation until 1810, when he was appointed by the late Sir Charles Cotton, Baronet, Commander-in-Chief in the Mediterranean, to the Clerkship of the Victualling Establishment at Minorca. The peace of 1814, was followed by the evacuation of that Island, and Mr. Hogsett's services there were no longer called for. In the month of June, 1815, Mr. Hogsett joined Sir Richard Goodwin Keats, then Governor of Newfoundland, as Clerk in the Secretary's Office, and continued in that capacity, until he was appointed Searcher and Waiter of His Majesty's Customs, by Sir Charles Hamilton; but, a Treasury appointment to this office having been made, Mr. Hogsett was superseded, and returned to his former duties as Clerk in the Secretary's Office.

It may be right to observe here that during the government of Admiral Pickmore, that officer who had witnessed Mr. Hogsett's exertions in the public service at Minorca, and who was pleased, also, repeatedly to express his approbation of Mr. Hogsett's official conduct in Newfoundland, promised him the Sheriffalty of the latter Island, should a vacancy occur, which, from the age and infirmities of the then Sheriff, was fully expected. This office, however, did not then become vacant, and Mr. Hogsett continued in the Secretary's Office, until he was appointed by Sir Charles Hamilton, in 1821, to the situation of Deputy Naval Officer. Mr. Hogsett continued to discharge the duties of this office until it was abolished by an Act of the Imperial Parliament in 1825, when, through the medium of Sir Thomas Cochrane, he memorialised Earl Bathurst on the subject, and from his Lordship the following letter was received:—





(Copy.)

*Downing-Street, 20th December, 1826.*

SIR,—I have the honour to acknowledge the receipt of your letter of the 26th July last, enclosing a memorial from Mr. Hogsett, late Deputy Naval Officer at St. John's, and to acquaint you that it is not in my power to make him any compensation for the loss of the appointment of Deputy Naval Officer; but if an opportunity should offer of employing Mr. Hogsett in some suitable situation, I shall not object to confirm your nomination of him.

I have the honour to be, &c.,  
(Signed) BATHURST.

Governor Sir THOMAS COCHRANE.

On the introduction of the new system of Judicature into Newfoundland, in 1826, Mr. Hogsett became Deputy Sheriff of the Colony. This office Mr. Hogsett continued to fill for more than nine years; when, on the resignation of Captain Buchan, in consequence of the Home Government having refused to continue his salary as Sheriff, Governor Prescott, in kind consideration of his long and faithful services, was pleased to give him his commission as High Sheriff of Newfoundland. In Lord Glenelg's dispatch bearing date the 7th October, 1835, it is stated that Mr. Hogsett's appointment was merely temporary. His commission, however, was a verbatim copy of that held by Captain Buchan, as well as of that held by the present Sheriff Garrett. The Charter provides that it shall be yearly renewed, and in this sense alone can it be considered as a temporary appointment. Mr. Hogsett then removed to the Court-house, the usual residence of the Sheriff, incurring a very considerable expense, under the fullest impression that his appointment would meet the ready approbation of the Home Government. Subsequently, however, and under very extraordinary circumstances, Mr. Benjamin Greef Garrett obtained the appointment from Lord Glenelg, and reaching Newfoundland in December, 1835, displaced Mr. Hogsett on the 4th of the following month. Mr. Garrett had been previously Clerk of the Southern Circuit Court, and sold his commission of Lieutenant in the Infantry for £700; and in consequence of non-compliance with the requirements of his office, as Clerk of the said Southern Court, suffered a reduction of his salary by a vote of the House of Assembly. For this loss in a very inferior situation, a loss

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entirely the result of his neglect, Mr. Garrett seeks for, and obtains the Sheriffship of Newfoundland!

Mr. Hogsett was then offered by Lord Glenelg the very situation which Mr. Garrett, in consequence of the reduced salary attached to it, became dissatisfied with; and being deprived of all other means of supporting a large and increasing family, he has been necessitated to accept this lower situation until his case shall be better known to his Majesty's Government, by whom he yet believes his services will not be underrated. The appointment of Mr. Garrett has excited a very powerful sensation throughout the whole of this Colony;—people of all classes bearing witness to the fidelity and exertions of Mr. Hogsett, have, by most numerous and respectably signed memorials both to the Secretary of the Colonies and to the Executive of this Island, prayed his restoration to the office from which he has been so unexpectedly dismissed.

Mr. Hogsett has no desire to contrast his services, extending through a period of nearly Thirty years, with the claims which Mr. Garrett has ventured to put forth; but with a confidence based upon the knowledge of the high principles which actuate such men as Sir Charles Hamilton, Sir Thomas Cochrane, Governor Prescott, and Captain Buchan, he can appeal to them for a confirmation of his statement; and his testimonials from the different officers under whom he has served, are sufficiently weighty, he trusts, to be convincing that, afloat or ashore, he has done his duty.

Mr. Hogsett subjoins a letter from Mr. Under-Secretary Hay, to the Hon. W. Ponsonby, respecting the Treasurership of Newfoundland:—

(COPY.)

*Downing-Street, 21st Dec., 1833.*

My dear Sir,—I have been for some time delayed in answering your letters of the 22nd ultimo, and the 8th inst., recommending Mr. Hogsett, and enclosing two applications from him, for the appointment of Treasurer at Newfoundland. I brought his name before Mr. Stanley, who has desired me to let you know that he will consider Mr. Hogsett as a candidate for employment; but that the particular office which he has solicited on the

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present occasion, has already been filled up by the Governor with the approval of the Secretary of State.

I remain, dear Sir,

Your faithful and obedient Servant,

(Signed)

R. W. HAY.

The Hon. W. Pensonby, M. P.

With these claims acknowledged by successive Secretaries for the Colonies, and advocated by the several beforenamed Governors of Newfoundland, Mr. Hogsett would throw himself upon the consideration of his Majesty's Government, in the hope and with the prayer, that they will not allow him and his family to undergo privations and sufferings of which no conduct of his has been the cause.



The following is a copy of Mr. Hogsett's Commission as Sheriff for the Island of Newfoundland:

**WILLIAM the FOURTH** by the  
Grace of God of the United  
**H. PRESCOTT** Kingdom of Great Britain and  
Ireland, King, Defender of the  
Faith.

To **AARON HOGSETT**, Esquire, greeting:

**KNOW** ye that We having taken into Our Royal consideration, the loyalty, integrity, and ability of you, Aaron Hogsett, Esquire, have constituted and appointed, and by these presents do constitute and appoint you to act as and be the Sheriff of our Colony of Newfoundland and its Dependencies, other than and except the coast of Labrador. And We do hereby commit unto you, the said Aaron Hogsett, the Custody of Our said Colony of Newfoundland and its Dependencies, other than as herein before is excepted, with the appurtenances, so that you render unto us Our due forms, and answer unto us touching all other Our dues, and fulfil all other matters concerning the said office of Sheriff of our said Colony, as by the provisions of the Royal Charter of our late deceased Brother, King George the Fourth, made at Westminster in the Sixth year of his reign, for the institution of a Supreme Court and Circuit Courts within our said Colony: and as by the laws and customs of our said Colony of Newfoundland, you ought To have, hold, exercise, and fulfil all and singular the powers, duties, and functions

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Belonging to, and incident to the said Office; and to enjoy, receive, and take, all and singular the rights, profits, privileges, and emoluments, unto the said Office belonging or in any wise appertaining, from the day of the date of these presents, and from thenceforth until the Monday next following the first day of January now next ensuing, and until another Sheriff shall be appointed and sworn into Office. And you are hereby enjoined and directed not to be concerned directly or indirectly in any trade, under no less a penalty than the forfeiture of your Office.

In testimony whereof We have caused these our Letters to be made patent under the Great Seal of our said Island of Newfoundland.

WITNESS our trusty and well-beloved HENRY PRESCOTT, Esquire, Companion of the Most Honourable Military Order of the Bath, our Governor and Commander-in-Chief in and over our said Island and Dependencies at St. John's, in our said Island, the First day of September, 1835, in the Sixth year of Our Reign.

By His Excellency's Command,  
JAMES CROWDY.

— — — — —  
To His Excellency HENRY PRESCOTT,  
Esquire, C. B., Governor, &c., &c.,  
The humble Memorial of AARON HOGSETT  
RESPECTFULLY SHEWETH—

That on the resignation by Captain David Buchan, Royal Navy, of the office of Sheriff of this Colony, which he had held for the last ten years, your Excellency was pleased to appoint memorialist to succeed him, by Commission under the Great Seal of this Island, bearing date the first day of September last.

That your Excellency's memorialist has to his great disappointment and concern, recently learnt from authentic sources, that his Majesty's Secretary of State for the Colonies has nominated another individual to fill the said office, and therefore most respectfully begs leave to point out to your Excellency the extreme hardship of his case should he be deprived of the said appointment, which he believes your Excellency was pleased to bestow on him in consideration of long and faithful services to his Majesty, as well in this Colony as elsewhere,—a measure which your Excellency will readily suppose to be fraught





with alarming consequences to your memorialist; and which, with his numerous family, could not fail to involve him in very serious embarrassments.

That in consequence of the salary formerly granted by the Home Government to the office of Sheriff having ceased, your memorialist conceived that the right of appointment was vested exclusively in your Excellency, and had consequently the greater confidence in accepting the same at your Excellency's hands, not doubting that he should be permanently fixed therein.

Your memorialist's long and faithful services have been so often brought under the consideration of his Majesty's Government, and his strong claims on their protection so repeatedly urged by several distinguished persons, that he considers it superfluous again to trouble the Secretary of State with a recapitulation of them.

Memorialist, however, takes the liberty to subjoin copies of two letters\* from the Colonial Department,—the first to your Excellency's predecessor from Earl Bathurst,—and the second from Mr. Hay, by direction of Mr. Secretary Stanley, to the hon. Mr. Ponsonby, M. P., by which it will be perceived that the claims of your memorialist, though now he fears in danger of being overlooked, have, on a former occasion, been duly appreciated at the Colonial Office.

With reference to the office of Deputy Naval Officer, which he held for several years, your memorialist would beg to state, that on the abolition of that office in 1825, the duties whereof he discharged, the principal, R. H. Noble, Esq., although resident in England, and never having executed the duties of the said office in person, was allowed, and still enjoys, a pension to a considerable amount; and from the Treasury minute respecting compensation for services in such offices, memorialist had hoped something would have been done for himself; memorialist, therefore, trusts that your Excellency will do him the further favour of representing to his Majesty's Secretary of State, how extremely hard his case would be should he be deprived of his present office, and he confidently relies on your Excellency's kind disposition to second his prayer, and on the justice of his Majesty's Government for a confirmation of your Excellency's appointment.

(Signed)

A. HOGSETT;

St. John's, 5th December, 1835.

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To His Excellency HENRY PRESCOTT,  
Esquire, C. B., Governor, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the undersigned merchants and other Inhabitants of St. John's, beg to approach your Excellency with feelings of sincere respect for your person and Government.

When the highly responsible office of Sheriff of this Colony became vacant by the retirement of Captain David Buchan, your Excellency was pleased to nominate Aaron Hogsett, Esq., as his successor:—the very efficient manner in which this meritorious individual had for a long time discharged the duties of Deputy Sheriff (without reference to his various other more early public services, which are doubtless well known to your Excellency) justly entitle him to your Excellency's favourable consideration, and it was with sincere satisfaction that the public witnessed this your Excellency's judicious appointment.

Impressed with these feelings, it is not without sincere regret that we acquaint your Excellency of a report being in general circulation and belief, that his Majesty's Government in England have had it in contemplation to appoint a person to fill the office to which your Excellency was pleased to appoint Mr. Hogsett.

We therefore most earnestly hope that your Excellency will be pleased to adopt such means with his Majesty's Government at home as in your Excellency's opinion will be best suited to the confirming of Mr. Hogsett in the office of Sheriff of this Island, which, if successful, we assure your Excellency will be highly gratifying to the general feelings of the Inhabitants of this Colony.

We have, &c.,

(Signed by 124 persons.)

St. John's, December 1, 1835.

To His Excellency HENRY PRESCOTT,  
Esquire, Companion of the Most Honourable  
Military Order of the Bath, Governor and  
Commander-in-Chief in and over the Island  
of Newfoundland and its Dependencies, &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the undersigned Inhabitants of Harbour Grace and its vicinity, with sentiments of the most profound respect and attachment, beg leave to approach your Excellency, to convey to you our deep regret that any circumstances should have occurred to induce the Home Government to appoint a High Sheriff of this Island, and



thus set aside the judicious selection made by your Excellency to that office.

It is unnecessary for your Petitioners to remind your Excellency, that it has been the wise policy of Great Britain to reward the services of old and faithful Officers; and they trust that nothing will be found in the case of Aaron Hogsett, Esq., our late High Sheriff, to prevent her ministers from following her former liberal and enlightened course.

Your Petitioners, on this account, therefore, would offer to suggest to your Excellency a favourable examination of the case of this gentleman, who, having for the last Twenty years filled several situations under Government with credit, zeal, and fidelity, is now in the decline of life, with a large family, stripped of his situation and its emoluments, and reduced from a state of comparative affluence to one of poverty.

Your Petitioners presume to offer to your Excellency's benevolent consideration the great advantages which would result to Mr. Hogsett, by a message to the Honourable the House of Assembly for compensation, which your Petitioners conceive would meet with the most favourable reception, and afford it an opportunity of complying with the desires of a large majority of its constituents, and of justly rewarding the services of an individual who has performed his duty with so much dignity to himself and advantage to the colony.

And your Petitioners as in duty bound will ever pray.

(Signed)

THOMAS RIDLEY,  
WILLIAM STIRLING,  
GEORGE THORNE.

HARBOUR GRACE,  
January 25, 1835.

(And 243 others.)

To His Excellency HENRY PRESCOTT,  
Esquire, C.B., Governor, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the undersigned Merchants and other Inhabitants of Port-de-Grave, Leg respectfully to approach your Excellency.

It having become matter of public notoriety that Aaron Hogsett, Esquire, whom your Excellency was pleased to appoint High Sheriff of this Island, has been recently superseded by a person appointed by the Home Government,—we, appreciating the long and efficient public services of Mr. Hogsett in the situation of Deputy Sheriff, which, we humbly think, gave him a most reasonable and

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inferable claim to the office of High Sheriff, on the resignation of his predecessor, and understanding that he has a large and helpless family dependent on his official income—and participating in the feelings of the inhabitants of St. John's, and of other places in Newfoundland who have memorialized your Excellency on the subject, do most earnestly and respectfully pray that your Excellency will be pleased to use such means as you may deem best to restore Mr. Hogsett to the office of High Sheriff, or, if that be impracticable, to recommend to the House of Assembly such measures for his remuneration as to your Excellency may appear proper.

We have, &c.,  
(Signed) JOHN JACOB,  
(And 100 others.)

Port-de-Grave, 22d January, 1836.

*Downing-Street, 7th Oct. 1835.*

Sir,—I have had the honour to receive your dispatch of the 3d of September, No. 42, notifying the resignation by Captain Buchan of the situation of Sheriff of Newfoundland, and announcing that you had appointed Mr. Hogsett to discharge the duties *pro tempore*. I have also received a memorial from Mr. Hogsett praying that his temporary appointment may be confirmed. You will have the goodness to express to that gentleman my regret that I have been unable to comply with his application, as I have felt bound to confer the appointment on Mr. B. G. Garrett, the reduction of whose emoluments as Clerk of the Southern District Court, was notified in your dispatch of the 11th June last, No. 26. If, however, you should be of opinion that Mr. Hogsett is competent to discharge the duties of the situation which will thus be vacated by Mr. Garrett, and he should be willing to accept it, I shall have much pleasure in bestowing it upon him. But in that case you will apprise him that his Majesty's Government cannot interfere with any decisions which may be adopted by the Assembly in regard to the salary of the office.

I have the honour to be, Sir, &c.,  
(Signed) GLENELG.  
Captain Prescott, R.N., C.B.

*Sheriff's Office, 1st January, 1836.*

Sir,—I have the honour to acknowledge the receipt of your letter of the 31st ultimo, accompanied with a dis-





patch received by his Excellency the Governor from his Majesty's Secretary of State for the Colonies, and I cannot on such an occasion, refrain from expressing my deep regret and disappointment, that after such a number of years spent in his Majesty's Service, Lord Glenelg should not have confirmed me in the situation of Sheriff, which had been conferred upon me by the Governor, and for which kindness I feel bound to retain a grateful remembrance. Circumstanced as I now am, I cannot in justice to my numerous and helpless family, hesitate to accept the Clerkship of the Southern Circuit Court, however inadequate the emoluments of such appointment may be to the support of a wife and seven children; but I still indulge the pleasing hope that his Excellency will continue to use his kind interposition with the parent Government in my favour, as from long experience I feel more competent to discharge the duties of Sheriff than those of other offices in which I have not had equal experience.

I am, Sir, your most obedient servant,

A. HOGSETT.

Joseph Templeman, Esq.,  
Acting Colonial Secretary.

—222—

*Extract of a Dispatch from the Right Honourable Lord  
Glenelg to his Excellency Captain Prescott, dated  
Downing-Street, 1st Jan, 1836.*

"At the time when I received the announcement of Captain Buchan's resignation, Mr. Garrett was in this country soliciting the assistance of his Majesty's Government to relieve him from the embarrassments in which he had been involved by the sudden reduction of his official emoluments during the last session of the Colonial Legislature. The length of his employment in his Majesty's service, appeared to me to give him a fair claim to the consideration of the Government: and I could not but feel that his case was, as you have stated, one of some hardship; at the same time I had every reason to believe, from the sources of information which were at my command in this country, that he was competent to discharge the duties of Sheriff in an efficient and satisfactory manner; nor had any complaint at that time reached me of his conduct in the situation of Clerk of the Southern Circuit Court. It was under these circumstances that I conferred on him the office of Sheriff, and I need hardly observe that so long as he shall conduct himself in it with

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propriety, with zeal, and with efficiency, it will not be in my power to reverse that appointment.

"I extremely regret that in the selection of Mr. Garrett for the situation of Sheriff, I should have caused any disappointment to Mr. Hogsett, a gentleman whose character appears so highly esteemed by his fellow-colonists. At the same time I trust that the appointment of Clerk of the Southern Circuit Court, which I have tendered for his acceptance, will appear scarcely less advantageous than the situation of Sheriff under the present arrangement, more especially as the Assembly may perhaps be induced during their present session to revise their decision of last year, in regard to the emoluments of that office. You will communicate to Mr. Hogsett, and to the gentlemen who have signed the address in his behalf, the circumstances which render it impossible for me to accede to their wishes by confirming the temporary appointment which had been bestowed upon him by you."

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*About this time Mr. Hogsett obtained leave of absence to visit England, upon which occasion he received the following flattering testimonials from the respectable Inhabitants of St. John's. Prior, however, to the time of his intended embarkation, he received from his Excellency Governor Prescott, the appointment of Coroner and Clerk of the Peace.*

TO AARON HOGSETT, ESQUIRE, LATE HIGH SHERIFF  
OF NEWFOUNDLAND:

Sir,—We, the undersigned Inhabitants of St. John's, having for many years witnessed the straightforward and impartial manner in which you have discharged your public duties, particularly during the long period in which you fulfilled the functions of Sub and High Sheriff of Newfoundland, take the occasion of your intended departure for England, to tender to you this address in testimony of our high estimation of your merits as a public officer, and your worth as a private citizen.

It is to us, Sir, the subject of exceeding regret that by your removal from the highly honourable and lucrative office you last held, you should have been deprived of that remuneration to which your past life, spent in the service of your King and country, pre-eminently entitle you; and that Newfoundland should have lost the advantage that was expected to result from the zealous activity, and the honesty, and integrity, as well as the great experience



of a gentleman so generally known and universally esteemed.

In conclusion, Sir, permit us to assure you that on your journey to London, our warmest wishes and most ardent hopes accompany you :—That your claims may be recognised as just and reasonable, and that you may be speedily sent back to the country of your adoption—to your family and friends, in the enjoyment of the happy conviction, that however his Majesty's Government may for a moment have misunderstood the nature of these claims upon the public, the voice of truth and the accents of sincerity have not been urged in vain.

We have the honour to be, Sir

Your most obedient servants,

JOHN SINCLAIR,

(And 103 others.)

*St. John's, Newfoundland, 4th July, 1836.*

Sir Thomas Cochrane presents his compliments to Mr. Hogsett, and in reply to his letter of the 29th June, begs to acquaint him that on the receipt of his representation he forwarded it to Lord Glenelg with his own testimony as to Mr. Hogsett's correct conduct during the period he was under Sir Thomas Cochrane's government, and now encloses Lord Glenelg's reply.

*Admiralty House, Portsmouth, August 3, 1836.*

*Downing-Street, 30th July, 1836.*

Sir,—I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 24th inst., enclosing a letter addressed to you by Mr. Hogsett, together with various other documents on the subject of that gentleman's supercession in the temporary appointment of High Sheriff of Newfoundland. In reply, I am to inform you that the circumstances of Mr. Hogsett's case have already been fully considered in the correspondence between this department and the Governor of Newfoundland, and Lord Glenelg's final decision has been conveyed to Captain Prescott. But his Lordship desires me on the present occasion to express his gratification that the testimony which you bear to Mr. Hogsett's character, confirms the representations on that subject which his Lordship had already received from parties resident in Newfoundland. I have the honour to be, Sir, your most obedient servant,

GEORGE GREY.

Sir THOMAS COCHRANE,  
Admiralty House, Portsmouth.

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*Secretary's Office, 28th Dec. 1833.*

Sir,—I have much pleasure in transmitting to you by the Governor's direction the accompanying extract from a despatch which his Excellency has received from the Secretary of State for the Colonies, with reference to your appointment to the offices of Clerk of the Peace and Coroner.

I am, Sir, your very obedient servant,

JAMES CROWDY.

AARON HOGSETT, Esq. &c., &c.

*Extract of a Despatch from the Right Honourable the Secretary of State for the Colonies, addressed to his Excellency Captain Prescott, and dated*

*Downing-Street, 12th October, 1836.*

"With respect to the selection of Mr. Hogsett, in particular, I am gratified in having the opportunity of thus marking the sense which his Majesty's Government entertains of that gentleman's services, and of the very favourable testimony which has been borne to his general merits in the addresses which you have at several times transmitted to me in his favour from Newfoundland."

#### CERTIFICATES OF THE JUDGES AND CROWN OFFICERS.

*St. John's, Newfoundland, 12th July, 1836.*

Dear Sir,—In reply to your communication of this date, requesting that I would express my opinion as to the manner in which you have discharged the duties of the several public situations which you have held since my arrival in this colony, I can, with truth, assure you I shall at all times be most ready and willing to offer it as my humble opinion and belief, that in the discharge of your duties of Sheriff and under-Sheriff, which you have held since my arrival in the year 1825, you have always conducted yourself with the strictest integrity and propriety.

I am, dear Sir,

Your faithful and obedient servant,

(Signed)

A. W. DESBARRES.  
Acting Judge Supreme Court.

AARON HOGSETT, Esq.

*St. John's, Newfoundland, 13th July, 1836.*

My dear Sir,—It gives me great pleasure to be enabled to state that during the period of my residence in this Island, for nearly ten years past, you have discharged with integrity, diligence and zeal, the duties of the public offices to which you have been appointed; and I have reason to believe, that my own opinion of





your conduct, as a public servant, is amply confirmed by that of the community to which we belong.

Yours, very faithfully,

(Signed)

E. B. BRENTON.

Assistant Judge Supreme Court.

A. HOGSETT, Esq.

St. John's, Newfoundland, 12th July, 1836.

Having been a resident in this Colony during a period of twenty-seven years, Mr. Aaron Hogsett has been well known to me upwards of twenty years; and in the discharge of duties in the several public offices he has held during his residence here, he has at all times, I believe, conducted himself with integrity, diligence and propriety therein, and to the satisfaction of the public authorities, and the public in general

(Signed)

JAMES SIMMS,

Attorney-General, Newfoundland.

St. John's, Newfoundland, 13th July, 1836.

My dear Sir,—It affords me very sincere pleasure to say that during the time I have known you (a period of nearly seven years) in the discharge of the duties of sub-Sheriff and High Sheriff of this Island, your conduct has been marked with the most undeviating integrity and diligence, and I feel persuaded that in the expression of this opinion, I am joined by the community at large, and all the public authorities.

I am, dear Sir, yours very faithfully

(Signed)

H. A. EMERSON.

H. M. Solicitor-General, Newfoundland.

A. HOGSETT, Esq.

Downing-Street, 31st October, 1836.

My dear Sir,—Lord Glenelg directs me to acquaint you with reference to the statement which you made in your note of the 3d inst., in favour of Mr. Hogsett, and to the intimation given to you by Mr. Stephen, of the Governor of Newfoundland having recommended that gentleman for promotion, that his Lordship has thought it his duty to advise the confirmation of Mr. Hogsett's appointment to the offices of Coroner and Clerk of the Peace for the district of St. John's.

The effect of this arrangement will be to place Mr. Hogsett in a more favourable situation in point of emolument, than if he had been nominated to the Shrievalty of the Island.

Yours, very faithfully,

GEORGE GREY.

The Hon. W. Poxsonby, M. P.

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*Extract of a Letter from Mr. Hogsett to Captain  
Buchan, dated*

*St. John's, 15th Dec. 1835.*

My dear Captain Buchan,—I was truly astonished upon receiving your letter of the 14th October last, written in London. The subject of it will have a louder sound than probably you are prepared to hear; but I dare say you will, ere this, have learned at the Colonial Office what the opinions of the people of all classes are in this community. As I was advised by yourself, there could hardly have been occasion to put my friends upon the alert in England—and unfortunately they have been lulled into security. I had nothing to go upon but vague reports set on foot here, until I received your letter, when I immediately went to the Chief Justice and told him that I was sorry to find by a letter from Captain Buchan that Mr. Garrett was really appointed to supersede me in the office of Sheriff, the knowledge of which had greatly surprised you. The Chief Justice replied, "Did it indeed surprise Captain Buchan? I should have thought that he knew as much about Mr. Garrett's application for the office as I did, of which I certainly was aware, and recommended him, and should have done the same for you, Mr. Hogsett." He further stated that there could be no hardship in the matter, as under Sheriffs seldom or never succeeded to the office of Sheriff; but that he had no doubt I should be offered Mr. Garrett's late situation in the Southern Circuit Court. Thus far I feel bound to mention to you, as I am persuaded you never could have been aware of such an application without waiting upon Lord Glenelg—or apprising my friends. Now you must be perfectly aware of the assurance I had myself from Mr. Garrett, having mentioned it on your return from England, as well as what passed, nearly, if not in stronger terms, in your own drawing-room—"I pledge you my word and honour as a gentleman, that I never have applied for the situation, nor should I, with the knowledge I have of Mr. Hogsett's claims, and from delicacy to you, to whom I am under many obligations." Those were the words of Mr. Garrett, to the best of my recollection—after which it would be impossible that you could be coupled with a knowledge of his application. I should consider it an act of ingratitude on my part not to put you in possession of what has passed, as I am indebted to your friendly interposition with his Excellency the Governor, (being almost a perfect stranger to his



Excellency, myself), for my appointment to the office of Sheriff.

*Extract of a Letter from Captain Buchan to Mr. Hogsett, dated*

*Claremont, Woolwich, 27th. Jan. 1836.*

My dear Hogsett,—Your's of the 15th Dec. I received on the 12th inst. I confess that the remarks made by the Chief Justice to you have not a little astonished me. I was not before aware that he had recommended Mr. Garrett to the appointment of Sheriff, although I was not without a suspicion of the kind, which would have amounted almost to a certainty on my mind, had it not been that Mr. Garrett himself stated to me that he had no wish for an appointment in Newfoundland, as it was no longer a place for him; and added that he could have any vacancy that occurred in New South Wales or Van Dieman's Land (or I believe elsewhere), where the income did not exceed £200 or £250 per annum. Judge of my surprise, therefore, on shortly after being informed by Mr. Garland of his appointment, and that he had gone down to Scotland to take his passage, without having communicated to me his intention, that I might have availed myself of the opportunity of writing by him. So much for my knowledge of his concerns. The Chief Justice having recommended, might well know of his appointment; but I had not at that period any communication with the Colonial Office—not even to report my return. Mr. Boulton's assertion is consequently altogether groundless. Had I, indeed, been aware of the circumstance in time, I should in justice to you have endeavoured to have seen Lord Glenelg (which I have never yet done); but as it was, it would have been useless. I am in perfect ignorance of what is going on in that department, except that Lord Glenelg expresses a regret at my having resigned, and that there had been several applications to him for the situation.

The conversation you mention to have taken place in my house at Newfoundland (after returning from England) between me and Mr. Garrett is perfectly correct, and is fresh in my memory. He disclaimed, on the honour and word of a gentleman (and was exceedingly anxious to remove any impression that might be on my mind) that he had ever applied for the situation of Sheriff, or that he ever should do so, with the knowledge he had of your

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claims, as well as in delicacy to me. These were his words, and you are at perfect liberty to make known what I have said on all connected with this subject.

Mr. Hogsett trusts that upon a perusal of the foregoing documents, his friends will perceive little necessity for any protracted observations of his own—his chief desire being to place in their hands evidence of the *manner* of his ejection from the office of Sheriff of Newfoundland; whilst he is at the same time desirous of expressing his gratitude for the interest manifested by them on his behalf. It may not, however, be unnecessary to make a few remarks upon some of the answers of Lord Glenelg to those friends. The intimation is given that the Governor here had placed Mr. Hogsett in a situation, in point of emolument, equal, if not superior, to that of Sheriff. His Lordship is now aware that such is far from being the case, as a document from his own office, lately received in Newfoundland, bearing date the 11th April last, will explain. The amount of Sheriff's fees in 1836, was £655; besides this, there was an allowance for house-rent, coal, candles, and servant—say about £120 more. Whilst the emoluments of the Coroner, and Clerk of the Peace, together, only amount to £292. That there is a separate allowance to the Clerk of the Peace of seven and a-half per cent. upon License-money, is incorrect—that being a fee of office, is included in the £292. The fees of the Coroner and Clerk of the Peace are for actual labour,—whilst the fees of the Sheriff are merely for responsibility.

On Mr. Hogsett's appointment to the office of Clerk and Registrar of the Southern District, in the room of Mr. Garrett, the House of Assembly immediately voted the salary previously enjoyed by his predecessor, upon condition that he would reside in the District, and perform the duties *in person*; but they would have done a great deal more for him in his situation of Sheriff, than they could consistently do in the lower appointment. The proposition of some of the members of the then House of Assembly, previous to hearing anything about Mr. Garrett's appointment, was a salary of £450 a-year, with the advantages before stated; all the fees and emoluments besides being paid into the Colonial Treasury. In fact it was never contemplated, even by his Excellency himself, that the Home Government would interfere





in this appointment, after having deprived Captain Buchan of his salary of £500 a-year, and thrown him upon the resources of the Colony, which was the cause of his resignation; and it was perfectly understood in Newfoundland that such resignation was in Mr. Hogsett's favour. [*See the Extract of Captain Buchan's answer to Mr. Hogsett's letter.*] If Lord Glenelg should now see reason to believe that Mr. Garrett's claims were, in point of fact, inferior to those of Mr. Hogsett, there may still be reason to hope that the serious and manifest injustice which has been done, will not be permitted to remain without some satisfactory remuneration by the country in whose service he has shed his blood, and faithfully discharged his duties for a period of Thirty-one years.

His Excellency Governor Prescott, on opening the House of Assembly on the 20th June, this year, expressed a desire that officers should be remunerated by fixed salaries instead of fees; and, although the House might have every disposition to repair, if possible, the injury done to Mr. Hogsett—yet in a subordinate situation, it would be quite out of its power to do so—the Police Magistrates themselves, being only allowed £250 a-year, and the Chairman of the Sessions only £300.

The hardship of Mr. Hogsett's case is thus humbly and respectfully submitted, in the hope that some better understanding of the subject may lead to an adequate compensation for the disappointment and privations which he feels he has undeservedly endured.

St. John's, Newfoundland,  
26th June, 1838.

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## APPENDIX.

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Several changes having taken place in the Colonial Department since the early publication of the foregoing Case, it has been deemed expedient and necessary again respectfully to invite the attention of Her Majesty's Government to the very extraordinary proceedings therein disclosed, and which have operated so injuriously, and, as Mr. HOGSETT conceives, so unjustly as respects the claims to which, as an old and faithful servant of the Crown, he humbly thinks he may venture to set up.—The whole question is now respectfully submitted to the consideration of Lord JOHN RUSSELL, Her Majesty's Principal Secretary of State for the Colonies, in the anxious expectation that amidst the multifarious and weighty matters which necessarily occupy the time and attention of Her Majesty's Government, the case of Mr. HOGSETT will not be overlooked. It only remains to be observed, that all the documents referred to in the foregoing pages have been officially transmitted to the Colonial Department.

St. John's, Newfoundland,  
December, 1839.



