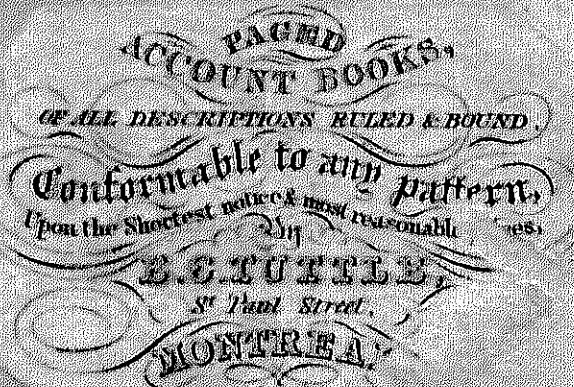


Investigation
of the certain charges
made against the
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from the Department of [unclear]



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Bill statement 16.
Chirography 17.

Accounts

H. Winter	9
C. L. Gould	10.11.14.21.
H. J. Crooks	11.12.
H. J. Blackhawk	14.15.
John Pentecost	17.18.
C. B. Hargrave	21.22.
Geo. F. Sanders	23.23.24.25.36.
C. S. Benton	26.27
J. A. Hutchins	28.29.30.31.

THE ST. ALBANS RAID IN THE COURNOIL---CHARGES
S AGAINST MAJOR LAMOTHE, CHIEF OF POLICE.

Councillor Devlin arose and said he had on many occasions defended the Chief of Police but he regretted that it was now his duty as a member of the Police Committee, to bring before the Council what he considered a serious dereliction of duty on the part of that officer. In his opinion the conduct of the Chief was such as to render necessary an investigation. He had utterly and entirely forfeited his conscience. It was his duty therefore to call for an investigation into the conduct of the Chief of Police. It was known to the members of the Council that by a judgement given that afternoon, persons charged with murder and robbery had been discharged from custody. Chief Lamothe had been entrusted with about \$90,000 of the stolen money, placed in his hands on the strength of the confidence he (Councillor D.) had in his integrity. The judgment was rendered at half-past three o'clock that afternoon. The legitimate owners of the money had urged him during the day to attach the money in the hands of the Chief, but feeling certain that the men would not be discharged, and that the money was perfectly safe in the hands of the Chief, who had given assurances that it would not be given up even if they were discharged without an order from the Court, he (Councillor D.) did not attach the money, assuring its legitimate owners that there was nothing to be apprehended. Immediately upon the rendering of the judgement he (Coun. D.) went to the Station House, but not finding the Chief there he went to Little St. James street to prepare an attachment, when he met the Chief of Police opposite Mr. Lallamme's office. He told the Chief that he was about to attach the money in his hands, but was informed by him that he had given up the money. He then asked the Chief of Police if he had not promised not to give up the money without an order from the Judge, and taxed him with having given the money up before the judgement had yet been recorded. On asking him how he managed to obtain the money from the bank, it being after banking hours, he stated that he had gained admission by a private door.

Councillor Devlin continued, charging the Chief of Police with having given up money placed in his hands by Judge Courtol, without an order from the Judge, and with having dispossessed himself of money placed in his hands by giving it up to persons from whom he had not received it. Councillor Devlin had gone to Judge Courtol and on asking him if he had ordered the Chief of Police to give up the money to the Raiders, he said he had given no such order. The Chief of Police being one of the officers of the Corporation, they were responsible for his acts and it was his duty to say that he had never heard of a case where an officer charged with the custody of so large a sum had without authority emptied his pockets or handed it over to persons who were not the legitimate owners of it. The city might yet be called on to refund the amount to the lawful owners. He was prepared to show the Council that the Chief of Police had given up the money without any authority. He was further prepared to show that a warrant for the apprehension of persons had been placed in the Chief's hands, and he, (Councillor D.) had been informed by the Hon. John Rose, and a gentleman of high legal position in the State of Vermont, that the Chief had absolutely refused to execute that warrant for three quarters of an hour after it had been placed in his hands, when the object of the issue of the warrant had been defeated by the disappearance of the persons to be arrested. If the Chief takes upon himself a responsibility of such importance, he could tell the Chief that he was not a person whose position would enable him to bear that responsibility.

This document of day on the part of one of their officers, was a serious matter to the corporation. The chief had given up the money after breaking hours and before there was time to record the judgment of the Court. To whom he had given it was not known to him. If he had given it to the prisoners he had no right to do so but having received it from them, and not having been ordered to do so by the Court. The Judge had informed him (Mr. D.) he had not given authority to give it up, and he is the only person who had authority to order the Chief of Police to give it up. The money had been taken from the St. Albans Bank, who were his clients for whom he appeared in the case, and he had informed them that our actions were beyond reproach and the money would be as safe as in his own hands. He contended that the Chief of Police may have conspired with some person to deliver this money up to the raiders.

Alderman Rodden said this was the first information he had received of the facts stated by Mr. Devlin and as all the members of the Police Committee were present he would if the Council desired it call a meeting of the Committee for the next day at any hour determined on.

Alderman Leclaire said in justice to the chief the sooner an investigation should be held the better.

Councillor McGready stated that he had just spoken with the Chief of Police and that officer admitted that he had handed the money over to the raiders. He considered the act as an arbitrary assumption of authority. He thought action should be taken to-night.

The Mayor suggested the propriety of the Police Committee retiring to his room and there receiving any explanation the Chief might offer.

Councillor Devlin said as the charge had been made publicly the Chief should have an opportunity to make his defence in the same public manner. The Judge having discharged the prisoners instructed him to give them the money, and distinctly authorized him to give it up.

Councillor Devlin said Councillor Labelle had misunderstood him. He stated that no order had been given him by Judge Gouldson, and it was a matter of utter impossibility for him to have given the money unless he had done so before the judgement had been rendered.

After further discussion, Councillor David moved, seconded by Councillor Riggington, that the Chief of Police be not heard on the question.

Alderman Rodden thought it would be quietest to adopt the course suggested by the Mayor.

Councillor David said the charge had been made before the Council, and the Chief should be heard before them also. The accusations had been publicly made and would be reported in all the journals in the morning, and his defence should be made in the same place and given before the public at the same time. He hoped Councillor Devlin would have no objection to the Chief's appearing before the Council. Mr. Devlin had an interest in the matter from the fact that the money in question was subject to seizure to be delivered over to the Northern States, from whence he was to receive his fees.

Alderman Rodden moved in amendment, seconded by Alderman Grenier, that the Police Committee retire and hear the statement of the Chief of Police and report the same to the Council forthwith.

Councillor Desveaux said no member had defended the Chief of Police more warmly than he had on every occasion, but he thought that as an officer of the Corporation he should not be permitted to address the Council before he had been before his committee. He did not see any benefit to be derived from a mere denial of what he had already admitted to Councillor McGready.

Alderman Gorrie said the Chief of Police being charged by Mr. Devlin with serious dereliction of duty the committee might meet the next day and report the following night to the Council.

Councillor Riggington hoped the Chief would get the opportunity of defending himself in Council as he saw the gentlemen from St. Albans present and they were doubtless anxious to hear the explanation of the Chief.

Councillor David consented to withdraw his motion if Councillor Devlin would give him the assurance that the Chief would, after the Committee had reported, be permitted to address the Council.

This was assented to and that Committee retired, whereupon the Council adjourned for half an hour many of the members going into the Mayor's room with the Committee.

In a few minutes the members returned to the Council chamber.

Alderman Rodden stated that the committee had retired as instructed by the Council, and the result of their meeting was now in the hands of the city Clerk.

Mr. Giackmeyer then read a statement of what had transpired at the meeting, to the effect that the Chief of Police made a verbal statement and the City Clerk was about to take it down in writing when the chief declined to have it written down unless the charges against him were submitted in writing. Thereupon he left the room. The statement was signed by the City Clerk.

Councillor Labelle objected to the reception of this statement as it was no more than a special report of the chairman of the Police Committee.

Alderman Rodden said the document was a correct report of what had taken place in the presence of the committee, and was certified by the City Clerk.

Councillor David then gave a brief statement of what had transpired in the room in French. He said the Chief was right in not making a statement in writing, which might be used against himself, without a charge in writing being submitted. The Chief said he had consulted Mr. Carter, Q.C., Mr. Laflamme, Q.C., Mr. Gouldson, and a legal friend, and in accordance with their advice, when the judgment of the court was rendered, he delivered the money up to the prisoners. He then proceeded to say that Mr. Devlin said in the room that if the Chief's statement was correct he would not hesitate to declare him not culpable.

Councillor Devlin said he would reduce to writing the charges he had to make, and would bring Judge Gouldson and others before the committee and they would then say whether they had authorized the Chief to give up the money.

Councillor David said the reason he had undertaken the defence of the Chief was on account of these charges going before the public in the morning. He knew that if the Chief had an opportunity to explain he would do so effectively.

Councillor McGready then said that the Chief had stated frankly enough in the room that he knew the day before, that the prisoners would be liberated that day, how he knew was his business; he therefore took the precaution to go to the bank and get the money to be ready when judgement was rendered to give it to the raiders; also that he had asked Mr. Carter who told him he should give the money up if the men were discharged, and had asked Mr. Carter to speak to Judge Gouldson on the subject, and that he had also told him he should give up the money.

Councillor Labelle said the Committee had no right to investigate a personal affair between Judge Gouldson and the Chief of Police. The Judge had advised him that if the prisoners were discharged the money should be given up.

Alderman Gorrie said it was requisite to pass a resolution directing the Committee to investigate the matter in order that they should be fully authorized. He therefore would move, seconded by Councillor McGibbon, that a special committee having been made against the Chief of Police by Councillor Devlin, the Police Committee be instructed to investigate the same and report at its meeting the following night or at a special meeting, to be called as early as possible.

Councillor David objected to the committee taking cognizance of the charges unless made in writing, upon which Councillor Devlin said he would submit them in writing.

Councillor McGibbon said the chief had made a mistake in giving the money before he had a written order from the Judge.

Alderman Leclaire thought it would be preferable to place the matter in the hands of a special committee as he believed from remarks of the chief that he thought there were members of that committee who were inclined to him.

Alderman Rodden said it was the wish of the council that the Police Committee should investigate this matter they would do so, but if they desire to appoint a special committee he would be glad to get rid of such an investigation. He, however, entered his solemn protest against the statement of Alderman Leclaire, that the Chief would not be fairly dealt with by the Police Committee. That committee had treated the Chief with a degree of consideration never before accorded to any

*That it is agreed to so
Councillor Labelle
has made a certain
charge of dereliction
of duty by a serious
officer against
the Chief of Police,
that this investigation
of the subject be referred
to the Police Committee
without restriction to
Report thereon of possible
tomorrow evening, or
at a special meeting
to be called at the
earliest day possible*

COUNCIL OF POLICE. He had the executive control of the force, at an expense of \$10,000 a year, and this power, as stated as chairman, was too broad, as it gave to the Chief the power to suppress information that should come in the usual way to himself and other members of the committee, and which had occasioned an understanding in the committee that must eventually break out.

Councillor David moved an amendment to appoint a special committee to investigate the charges, to consist of Aldermen George, Greaves, Balmer, and Contant, and Councillors Lamontagne, Higginson, and McGivern. This motion was subsequently withdrawn on condition that Councillor Devlin submit his charges in writing; whereupon Councillor Devlin submitted the following charges.

The undersigned Councillor charges Gullaway Lamontagne, Esq., Chief of Police with having upon this 16th day of December at the City of Montreal without authority and by design dispossessed himself of a large sum of stolen money amounting to between eighty and ninety thousand dollars which was placed in his hands for safe keeping to await the result of legal investigation; which sum of money the Chief of Police is further charged delivered to some person or persons not the legitimate owners of the same and to the great loss and damage of the persons from whom the same sum of money was stolen.

B. Devlin.

The original motion was then adopted.

Alderman Rodden stated that the meeting of the Committee would be held at three o'clock Wednesday afternoon, and that the same would be reported without taking a vote at the Council meeting the same night.

The meeting adjourned.

CITY COUNCIL PROCEEDINGS THE INVESTIGATION INTO THE CONDUCT OF THE CHIEF OF POLICE.

The third of the regular December quarterly meetings of the City Council was held last evening there was a full attendance of members. His Worship Mayor Beaubien being in the chair. The galleries were also crowded in consequence of the nature of the business expected to come up—namely the affair of the delivery up of the money of the St. Albans Banks to the officers of Chief Lamontagne.

Ald. Rodden rose and said that in accordance with the resolution of the Council of the previous evening the Police Committee met this afternoon at three o'clock, after having communicated regularly with the Chief of Police, and the other parties mentioned during the debate. The Committee after organizing, submitted for the consideration of the Chief of Police, the charge made against him by Mr. Devlin on the previous evening. The Chief then put in a written statement which was included in the report of proceedings, and would speak for itself. The Committee then proceeded to hear the evidence and Messrs. Councillor Carter and Devlin, were examined. The Committee labored until within a short time of the present sitting of the Council, and the result of their labor he had in the documents he held in his hands, and which would be submitted to the Council. The Committee determined to proceed again the next day at three o'clock with the evidence in the case. Pending the taking of the evidence it was impossible he could make any formal report, so he could only submit the evidence for the information of the Council. It was for the Council to determine whether the document should be read or not.

Alderman Contant thought it was not necessary to read it, and that it ought not to be read until the investigation was complete.

Councillor McNevin said that until the enquiry was finished they should not interfere with it.

Councillor McCready rose and said he was a member of the Police Committee.—when

Alderman Contant interrupted, and asked what was before the Chair. It was usual in that Council for members to speak when there was something before the Chair, and if a motion were made that the evidence be read, then the matter might be discussed.

His Worship the Mayor said that if it was the desire of any of the members to have the report read a motion to that effect might be made.

Ald. Balmer understood His Worship had just given an order for the reading, and he thought the City Clerk should proceed to read. He thought that after what had taken place last night it would be well that the report be read.

Coun. McCready said he would make a motion for the reading.

Coun. McGibbon hoped the rule in relation to ten minutes time being allowed each speaker, would be adhered to.

His Worship the Mayor said that if the members thought it would be more proper to postpone discussing the matter now, it might be better to waive any debate until the investigation was over. He had no doubt a motion for the reading would be carried.

Coun. McCready then moved, seconded by Coun. Devlin, "that the report of the proceedings had today before the Police Committee be now read."

Coun. McCready said he thought it would be well to explain his opinion to the Council, as there might be some members of the Council who did not know his reason for wishing the document read that night. (After some interruption) He said he had no objection to the vote being taken at once.

The vote was then taken, and the motion was lost; nine voting for and ten against it.

THE BOARD OF AGRICULTURE.

The City Clerk then read a letter from Mr. Geo. Lecher, Secretary of the Board of Agriculture, praying for the same appropriation for the exhibition to be held in September next as was given last year. Referred to the Finance Committee.

THE REPORT OF THE POLICE COMMITTEE AGAIN.
Alderman Contant was about to speak, when Councillor Devlin rose to a question of order. There was nothing before the chair.

Councillor Contant said he was in order. He wished to say that he was informed that the report of the proceedings before the Police Committee had been given to the Reporters. He would like to know by whose authority this had been done.

Alderman Rodden said he would reply to the question simply by stating that he had several applications from the members of the Press during the day for permission to be present. But that was not usual at such meetings, and he felt that he could not permit it. One application in writing came in from one of the gentlemen, the matter was discussed, and the Committee ordered that the application be refused. Subsequently before the Committee sat he wrote out four questions for the Committee to determine. One of these was whether the report should go to the Press. There was no definite answer given to it, but there appeared to be a tacit understanding that it would be made public in the evening, it might be copied. It was made public by being put on the table. It was particularly urged by one of the writers, and also advocated by another that in justice to him the committee ought to allow the evidence to go to the public as early as possible in order that the public mind might be disengaged of any erroneous impression that might have been conveyed by the charges made against him. And the understanding he had alluded to appeared to be adopted because the committee could not complete their labor for some days, consequently no final report could be made that night. During the time that would thus lapse before the final report was presented, an incorrect statement of the facts would go to the public and remain as the charge made on the previous evening had done.

Alderman Contant protested against the proceedings being made public at that stage.

Alderman Rodden rose to a question of order.

Alderman Contant again rose, and was once more called to order by Alderman Rodden.

The Mayor said Alderman Rodden was right in his objection.

PROCEEDINGS BEFORE THE POLICE COMMITTEE AND THE PRESS AGAIN.

Alderman Contant then moved, seconded by Councillor McCready—"That it be resolved that this Council regret that the proceedings had before the Police Committee this afternoon have been communicated to the Press, and that in their opinion the proceedings ought not to be published before they are completed. Inasmuch as in the state in which they are the publication might prejudice the public opinion; and that in consequence the Council request the reporters of the different papers not to publish the proceedings."

Alderman Contant had nothing to say on the motion, except that if the proceedings were published in the newspapers it would be a precedent that had never been established before.

COUNCIL POWER. "BY THE EXERCISE OF CONTROL of less than, at an expense of £10,000 a year, and this power, he stated as chairman, was too liberal, as it gave to the Chief the power to suppress information that should come in the usual way to himself and other members of the committee, and which had occasioned an understanding in the committee that must eventually break out.

Councillor David moved an amendment to appoint a special committee to investigate the charges, to consist of Aldermen Gourde, Greiner, H. Price, and Contant, and Councillors Lamoureux, Flanagan, and McGeary. This motion was subsequently withdrawn on condition that Councillor Devin submit his charges in writing; whereupon Councillor David submitted the following charges.

The undersigned Councillor charges Gallienne Lamerte, Esq., Chief of Police with having upon this 13th day of December at the City of Montreal without authority and by design dispossessed himself of a large sum of stolen money amounting to between eighty and ninety thousand dollars which was placed in his hands for safe keeping to await the result of legal investigation; which sum of money the Chief of Police is further charged defrauded to some person or persons not the legitimate owners of the same and to the great loss and damage of the persons from whom the same sum of money was stolen.

B. Davison

The original motion was then adopted.

Alderman Rodden stated that the meeting of the Committee would be held at three o'clock on Wednesday afternoon, and that the same would be reported without taking a vote to the Council meeting the same night.

The meeting adjourned.

CITY COUNCIL PROCEEDINGS. **THE INVESTIGATION INTO THE CONDUCT OF THE CHIEF OF POLICE, &c.**

The third of the regular December quarterly meetings of the City Council was held last evening. There was a full attendance of members, His Worship Mayor Steury being in the chair. The galleries were also crowded in consequence of the nature of the business expected to come up—namely the affair of the delivery up of the money of the St. Albans Bank to the authorities of Chet Lamorte.

Ald. Rodden rose and said that in accordance with the resolution of the Council of the previous evening the Police Committee met this afternoon at three o'clock, after having communicated regularly with the Chief of Police, and the other parties interested during the debate. The Committee, after organizing, submitted for the consideration of the Chief of Police, the charge made against him by Mr. Devin on the previous evening. The Chief then put in a written statement which was included in the report of proceedings, and could speak for himself. The Committee then proceeded to hear the evidence and Messrs. Courant, Gourde and Bowles, were examined. The Committee labored until within a short time of the present sitting of the Council, and the result of their labors he had in the documents he held in his hands, and which would be submitted to the Council. The Committee determined to proceed again the next day at three o'clock with the evidence in the case. Pending the taking of that evidence it was impossible he could make any formal report, so he could only submit the evidence for the information of the Council. It was for the Council to determine whether the document should be read or not.

Alderman Contant thought it was not necessary to read it, and that it ought not to be read until the investigation was complete.

Councillor McNeirn said that until the enquiry was finished they should not interfere with it.

Councillor McGready rose and said he was a member of the Police Committee, when

Alderman Contant interrupted, and asked what was before the Chair. It was usual in that Council for members to speak when there was something before the Chair, and if a motion were made that the evidence be read, then the matter might be discussed.

His Worship the Mayor said that if it was the desire of any of the members to have the report read a motion to that effect might be made.

Ald. Balmer understood His Worship had just given an order for the reading, and he thought the City Clerk should proceed to read. He thought that after what had taken place last night it would be well that the report be read.

Coun. McGready said he would make a motion for the reading.

Coun. McGready hoped the rule in relation to ten minutes time being allowed each speaker, would be adhered to.

His Worship the Mayor said that if the members thought it would be more proper to postpone discussing the matter now, it might be better to waive any debate until the investigation was over. He had no doubt a motion for the reading would be carried.

Coun. McGready then moved, seconded by Coun. Donovan, that the report of the proceedings had to-day before the Police Committee be now read.

Coun. McGready said he thought it would be well to explain his opinion to the Council, as there might be some members of the Council who did not know his reason for wishing the document read that night. (After some interruption) He said he had no objection to the vote being taken at once.

The vote was then taken, and the motion was lost, nine voting to and ten against it.

THE LAIRD OF AGRICULTURE.

The City Clerk then read a letter from Mr. Geddes, Secretary of the Board of Agriculture, praying for the same application for the exhibition to be held in September next as was given last year. Referred to the Finance Committee.

THE REPORT OF THE POLICE COMMITTEE AGAIN.

Alderman Contant was about to speak, when Councillor Devlin rose to a question of order.

There was nothing before the chair.

Councillor Contant said he was in order. He wished to say that he was informed that the report of the proceedings before the Police Committee had been given to the Reporters. He would like to know by whose authority this had been done.

Alderman Rodden said he would reply to the question simply by stating that he had several applications from the members of the Press, during the day for permission to be present. But that was not usual at such meetings, and he felt that he could not permit it. One application in writing came in from one of the gentlemen, the matter was discussed, and the Committee ordered that the application be refused. Subsequently before the Committee rose he wrote out four questions for the Committee to determine. One of these was whether the report should go to the Press. There was no definite answer given to it, but there appeared to be a tacit understanding that it would be made public in the evening, it might be copied. It was made public by being put on the table. It was particularly urged by one of the writers, and also advocated by another that in justice to him the committee ought to allow the evidence to go to the public as early as possible. In order that the public mind might be disengaged of any erroneous impression that might have been conveyed by the charges made against him. And the understanding he had alluded to appeared to be adopted because the committee could not complete their labors for some days, consequently no final report could be made that night. During the time that would thus elapse before the final report was presented, an incorrect statement of the facts would go to the public and remain as the charge made on the previous evening had done.

Alderman Contant protested against the proceedings being made public at this stage.

Alderman Rodden rose to a question of order.

Alderman Contant was out of order.

Alderman Contant again rose, and was once more called to order by Alderman Rodden.

The Mayor said Alderman Rodden was right in his objection.

REPORTERS BEFORE THE POLICE COMMITTEE AND THE PRESS AGAIN.

Alderman Contant then moved, seconded by Councillor McGready—"That it be resolved that this Council regret that the proceedings had before the Police Committee this afternoon have been communicated to the Press, and that in their opinion the proceedings ought not to be published before they are completed, inasmuch as in the event in which they are the publication might prejudice the public opinion; and that in consequence the Council request the reporters of the different papers not to publish the proceedings."

Alderman Contant had nothing to say on the motion, except that if the proceedings were published in the newspapers it would be a precedent that had never been established before.

Cross McCready said he would tell his Worship that he (Mr. McC.) had seconded the motion for the postponement of opening a discussion on the matter; but he would vote against it. No member of the Council regretted more than he did what had taken place in reference to the Chief of Police. A'd. Cross knew very well that last year when an investigation was going on in reference to the conduct of the Chief of Police in another matter, that he (Mr. McC.) was one of the strongest friends. Now, not only Montreal, but the whole Province of Canada was interested in the case at present under consideration. It was a case in which the conduct of one of the commissioners of the Corporation towards the Committee was unbecoming the commonest scavenger on the streets, and in reference to which he had made use of the lowest language in the Committee room, flinging the dirt in the face of His Worship.

Alderman Bellamy has interrupted, saying that he rises to a question of order. Was there a discussion on the motion before the chair?

The Mayor said that on this motion the discussion ought not to depart from the subject of the motion.

Councilor McCready said he would not depart from the motion. He thought he knew his place in the Council as well as Alderman Gallemore, and he knew how to conduct himself as well as that gentleman did.

Alderman Bellwood again resets the point of order.

The Mayor said he must declare that General
for McGrady ought to confine himself to the
question before the chair. He would request him
not to make any remarks on his conduct.

Councillor McCready could see the point of Alderman Bellemore's interruption. He had sought to get his (Coun. McC's) disorder up, but he would not succeed. Who did this now? It was clear but the Chief of Police. He would say that he regretted exceedingly to see an old Alabamian like Alderman Bellemore rise in this way when he knew that he was speaking himself. He would depart from the question much more easily if (Mr. McC) had done.

(Mr. McCullough) had done.
Alderman Octavian rose to a question of order.

Councillor McCready said the evidence that was taken before the Police Committee was on the table. A motion was before His Worship asking that it should not go to the Press. He would vote that it should. He was not afraid for any of their proceedings to be made public. The vote in reference to having the document read that night had been made a national one. Not one French Canadian had voted for the reading. Why was the conduct of the Chief of Police to be kept from the public? He might have done right, but his conduct that day and previous evening had been anything but straightforward before his Committee. That day he refused to take the oath—

Councillor Constant here again interrupted. The speaker was out of order. They were not then discussing the conduct of the
Ohio State Police.

The Mayor thought it would better for the report to be read so that the public mind might know what evidence had even taken so far (Hear, hear) and thus give the opportunity to the public of judging of it as far as it went. This would be better than to keep it from the public while the remarks made that evening would be purloined. He advised a reconsideration of the motion against the reading.

Councillor McNevin said that he had voted against the reading, but would not have done so had he thought the report was to be published in the morning.

in the morning.

Alberman Bulmer said it was very evident after what had taken place that the Council had made a mistake in refusing to have the documents read. It was certainly very unsafe to the Chief of Police to discuss the proceedings before they were completed. But at the same time the report might be read. Why should this not be made an exception from other investigations. The discussion that night would lead to the belief that the report contained something very injurious to him. After the expression of opinion the Mayor had given, he would move that the motion just past be reconsidered, and that the report of the proceedings of the Police Committee be read.

Councillor McNevin seconded the motion.
Ald. Constant opposed it, and after some de-

Conn. Devilb said he understood from wh

Council. But it will be expected that a Council had taken place that the evidence had been compiled, and was at the present time in type; and he had yet to learn that the Council could propose any resolution to which the members of the press were bound to give adherence unless they like.

He had no doubt that if they were requested to leave out the report they would do so if possible; but as he had once been connected with the press himself he knew the difficulty of supplying matter of which the printer was deprived in this way at a late hour at night. But apart from that consideration he thought it very important that the evidence should go before the public. He did not know why they should rank an exception of this case. If the investigation was before a Court the Press would be admitted, and he did not see why they should not be in this also. So far as the

Committee was concerned the evidence was completed. That of Mr. Coursal, Mr. Carter, and Mr. Sowles had been taken. In addition to that the evidence had been laid upon the table, and he understood that when documents were laid upon the table they became public property—any one might copy them. They should not be so tender of this case. The Chief of Police was charged by him on the previous evening with an offence that would be disgracing to him if it were proved. He did not say it had been proved. But he thought it would reflect credit upon the Council when it became known that immediately after the charge a meeting of the Police Committee was held, and that that day it was followed up by an investigation. It would show those gentlemen who represented the institutions which lost this money that the Council had done all in their power to repair a gross injustice that had been done. He trusted the motion respecting the members of the Press not to publish the report would not be passed. It was the duty of the Council, as wise men, not to follow in the foot-steps of others, but to repair injustice as far as it was in their power to do so.

with their power to do so.

Garrison followed, showing that there was no controlling the Press, and he referred to the manner in which the proceedings at the Quebec Conference had been made public although it sat with closed doors.

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Alderman Bellemare said he would object to the proceedings *in toto* because he thought that the Corporation had no business whatever to interfere in the matter. There was no criminal charge against Mr. Lamotte.

Addition Redden said he considered that they were in a manner pledged from their action in this matter to make these

wanted in this matter to make these documents public with all possible haste. They were pledged because Mr. Chester urged upon the Committee the necessity of removing the erroneous impression that had gone abroad from their debates. It was for the Councilors against it to consider whether in a hearing's week to pass they were bafighting their friends. He held that the Council had no option to take but that which would be taken anywhere else in such a case. Any British code of law allowed reporters to be present, but his definite understanding was whilst they might have their discussions in Committee to remain private, yet that the documents would go to the public. He told the Committee that if they did not let them go, not to send them into the Council. He thought it was much better in this instance that the truth should go out. Why should they withhold it? Did they do anything that was unsafe or unjust? No, they simply put down the facts as they were elicited. Were they to keep the public of the city whom they represented, in darkness for a week? No, it was not their desire to do that, and they had the right to do so. If it were a simple Municipal question they might do that, but it was a great national question. The greatness of it must produce anxiety in every thinking man. Not only were the citizens of Montreal interested in it, but the whole country. This was an act that would not only be known electrically throughout the country, but it would be recorded in history, and God Almighty it be not recorded in blood.

After some further discussion, the amendment offered by Ald. Palmer was carried by 13 to 10, and the City Clerk proceeded to read the report and its findings.

After some further discussion, the Amendment offered by Ald. Palmer was carried by 13 to 10 and the City Clerk proceeded to read the report which was as follows:—

Coun. McCready said he would tell His Worship that he (Mr. McC.) had seconded the motion for the purpose of opening a discussion on the matter; but he would vote against it. No member of the Council registered even then he did what had taken place in reference to the Chief of Police. And, Council knew very well that last year when an investigation was going on in reference to the conduct of the Chief of Police in another matter, that he (Mr. McC.) was one of the principal friends. Now, not only Montreal, but the whole Province of Canada was interested in the case at present under consideration. It was a case in which the conduct of one of the employees of the Corporation towards the Committee was according to the commonest usage of the streets, and in reference to which he had made use of the lowest language in the Committee room, slinging the door in the face of His Worship.

Alderman Bellemare here interrupted, saying that he rose to a question of order. Was there a discussion on the motion before the chair?

The Mayor said that on this motion the discussion ought not to depart from the subject of the motion.

Councillor McCready said he would not deviate in the motion. He thought he knew his place in the Council as well as Alderman Bellemare, and he knew how to conduct himself as well as that gentleman did.

Alderman Bellemare again rose to the point of order.

The Mayor said he must declare that Coun. Mr. McCready ought to confine himself to the question before the chair. He would request him not to make any remarks on his conduct.

Councillor McCready could see the drift of Alderman Bellemare's interruption. He thought to get his (Coun. McC.'s) censure up, but he would not succeed. Who did this man then concern but the Chief of Police. He would say that he regretted exceedingly to see a old Alderman like Alderman Bellemare rise in this way when he knew that if he was speaking himself would depart from the question much more than he (Mr. McC.) had done.

Alderman Doutant rose to a question of order.

Councillor McCready said the evidence that was taken before the Police Committee was on the table. A motion was before His Worship asking that it should not go to the Press. He would vote that it should. He was not afraid for any of their proceedings to be made public. The vote in reference to having the documents read that night had been made a national one. Not one French Canadian had voted for the reading. Why was the conduct of the Chief of Police to be kept from the public? He might have done right, but his conduct that day and previous evening had been anything but straightforward before his Committee. That day he refused to take the oath.

Councillor Contant here again interrupted. The speaker was out of order. They were not then discussing the conduct of the Chief of Police.

The Mayor thought it would better for the report to be read so that the public mind might know what evidence had been taken so far, (hear, hear) and thus give the opportunity to the public of judging of it as far as it went. That would be better than to keep it from the public while the remarks made that evening would be published. He advised a reconsideration of the motion against the reading.

Councillor McEvitt said that he had voted against the reading, but would not have done so had he thought the report was to be published in the morning.

Alderman Bulmer said it was very evident after what had taken place that the Council had made a mistake in refusing to have the documents read. It was certainly very unfair to the Chief of Police to discuss the proceedings before they were completed. But at the same time the report might be read. Why should this be made an exception from other investigations. The discussion that night would lead to the belief that the report contained something very injurious to him. After the expression of opinion the Mayor had given, he would move that the motion just past be reconsidered, and that the report of the proceedings of the Police Committee be read.

Councillor McEvitt seconded the motion.

Ald. Contant opposed it, and after some discussion,

Coun. Delin said he understood from what had taken place that the evidence had been copied, and was at the present time in type; and he had yes to learn that the Council could pass any resolution to which the members of the press were bound to give adherence unless they liked.

He had no doubt that if they were requested to leave out the report they would do so if possible; but as he had once been connected with the press himself he knew the difficulty of supplying the matter of which the printer was deprived in this way at a late hour at night. But apart from that consideration he thought it very important and that the evidence should go before the public. He did not know why they should make an exception of this case. If the investigation was before a Court the Press would be admitted, and he did not see why they should not be in this also. So far as the

Committee was concerned the evidence was completed. That of Mr. Counsel, Mr. Carter, and Mr. Bowles had been taken. In addition to that the evidence had been laid upon the table, and he understood that when documents were laid upon the table they became public property—any one might copy them. They should not be so tender of this case. The Chief of Police was charged by him on the previous evening with an offence that would be disgraceful to him if it were proved. He did not say it had been proved. But he thought it would reflect credit upon the Council when it became known that immediately after the charge a meeting of the Police Committee was held, and that that day it was followed up by an investigation. It would show those gentlemen who represented the institutions which lost this money that the Council had done all in their power to repair a gross injustice that had been done. He trusted the motion regarding the members of the Press not to publish this report would not be passed. It was the wish of the Council, as wise men, not to follow in the foot-steps of others, but to repair injuries as far as it was in their power to do so.

Councillor Holland followed, showing that there was no controlling the Press, and he referred to the manner in which the proceedings at the Quebec Conference had been made public although it sat with closed doors.

Alderman Bellemare said he would object to the proceeding in toto because he thought that the Corporation had no business whatever to interfere in the matter. There was no criminal charge against Mr. Lamothe.

Alderman Rodden said he considered that they were in a manner pledged from their action in this matter to make these documents public with all possible haste. They were pledged because Mr. Charlevoix upon the Committee the necessity of removing the erroneous impression that had gone abroad from their debate. It was for the Councillors against it to consider whether in a following week to pass they were beneficial to their friends. He held that the Council had no compunction in taking that which would be taken advantage of in such a case. Any English law allowed reporters to be present. I hardly understand: g was whilst they might have their discussions in Committees to remain private yet that the documents would go to the outside. He told the Committee that if they did not wish them to go, not to send them into the Council. He thought it was much better in all interests that the truth should go out. Why should they withhold it? Did they do anything that was unfair or unjust? No, they simply put down the facts as they were elicited. Were they to keep the public of the city whom they represented, in darkness for a week? No, it was not their desire to do that, and they had no right to do so. If it were a municipal question they might do so, but it was a great national question. The greatness of it must produce anxiety in every thinking man. Not only were the majority of Montreal interested in it, but the whole world. This was an act that would not only interest the electricity throughout the country, but it would be recorded in history, and God knows that it will be remembered in books.

After some further discussion, the amendment offered by Ald. Bulmer was carried by 13 to 10, and the City Clerk proceeded to read the report, which was as follows.—

INVESTIGATION BEFORE THE POLICE
COMMITTEE

REPORT OF PROCEEDINGS BEFORE THE POLICE COMMITTEE.

Wednesday, Dec. 14th, 9 p.m.
President: — His Worship the Mayor, Almoner
Leclerc; Councillors McCready, Mc-
Gibson, Devlin, Labelle, Leduc.

Com. Devlin stated that before entering into the investigation of the written charges submitted by him yesterday evening, he desired to add further charge which he had omitted, to the following effect:

"That the Chief did refuse to exempt a warrant issued yesterday by a Judge of the Superior Court, for the arrest of certain parties charged with criminal offences."

Whereupon the question was put to the Committee whether or not this further charge should be received or not.

Yea—McCready, McGibbon

Nay—Labelle, Leduc.

The vote being equally divided, the chairman gave his casting vote that the charge should be received, but the Chief should have sufficient time to enter upon his defense thereto.

The Chief stated he was prepared to enter upon his defense upon the said charge.

The following charge which was made by Com. Devlin yesterday morning was then read:

"The undersigned Councillor charges Guillermo Lamotte, Esq., Chief of Police, with having upon the 19th day of December at the City of Montreal, without authority and by design disposed of himself of a large sum of money amounting to between eighty and ninety thousand dollars which was placed in his hands for safe keeping to await the result of legal investigation; a sum of money the Chief of Police is further charged delivered to some persons who are not the legitimate owners of the same and to the great loss and damage of the persons from whom the same sum of money was taken."

B. DEVLIN.

In reply to this charge, the Chief of Police submitted the following statement:

"I undersigned, in reply to the charge presented against me by Councillor Devlin, the chairman, and member of this Committee, page 100, state:—"

"That the accusation is one over which the Council or Police Committee can have no exercise or jurisdiction whatever. That he never received the sum of money situated as an officer of the Corporation, but that he was entrusted by the Judge of Sessions with a certain amount of notes and bills found upon the persons of the principal parties arrested under the suspicion of having stolen the same."

"That having heard the delivery of the judgment in this matter, declaring that the judge had no authority or jurisdiction in the case, that the warrant under which the accused had been arrested and dispossessed of the said notes was illegal, and discharged the said parties from such arrest, he thought himself legally bound advised as he was by professional men to restore immediately the property to the parties who were in possession of it at the time of the arrest, and who had been declared to have been illegally arrested, such as is actually done in such cases."

"That he was requested by the said discharged parties to deliver to them the money which had been taken from them at the time of the said illegal arrest and entrusted to him, which he did under the impression, not only that he had a right to do it, but that it was his duty to do so."

"It is the intention of the accuser, who acted as counsel before the Judge of Sessions, to elicit from the Committee an opinion or a decision upon the legality or illegality of the conduct of the undersigned, he hopes that a sense of justice will prompt the Committee to afford him the opportunity of being heard by counsel before the committee."

GUIL. LAMOTHE,
Chief of Police.

The Chief stated he had no verbal statement to make in addition to the said document.

The chairman put the question whether the Committee would proceed with the complaint as against an official act of the Chief or not, and whether or not they would admit an answer to appear on his behalf in this matter.

Com. Labelle moved, seconded by Cormier Leduc, that the point of law raised by the Chief of Police in his answer to the charges made by Com. Devlin relative to the question of jurisdiction of the Committee, to inquire into the facts connected with the same charge be now referred to the Attorney of the Corporation.

The question being put, the following division resulted:—

Yea—Labelle, Leduc

Nay—Lamotte, McCready, McGibbon.

It was then admitted that the Chief should be allowed to be heard by an attorney; the Chief said he would so be heard at a later stage of the proceedings.

Com. Devlin claimed to have the right to examine the Chief, which was granted.

The Chief being called upon to take the oath declared he was not ready to do so unless he had his attorney with him, as the matter now before the Committee was a serious one, and, although perfectly satisfied that he was right he may require the advice of such attorney.

Edward Carter, Q. C., and Clerk of the Peace appeared.

Q. Did you, yesterday, authorize or advise Guillermo Lamotte, Chief of Police, to deliver up to the prisoners, discharged by the judgment of His Honor Mr. Justice Courtois, known as St. Albans Raiders, the whole or any part of the money placed in his hands for safe keeping, as Chief of Police, namely, the money alleged to have been stolen from the St. Albans Bank by the Raiders?

A. I am happy to have this opportunity of answering this question, as I was much surprised to see in this morning's papers the statement to the effect that after the judgment was rendered, Mr. Lamotte had been advised by Judge Courtois and myself to give up the money; and no such advice was so given; but I deem it right to add that upon asking Mr. Lamotte this day for an explanation, he informed me that some eight or ten days ago, feeling anxious about this money, he asked Mr. Courtois what he should do with it. If the prisoners were released, and that Mr. Courtois answered that he could not hold the money and that I was present when this occurred, and had requested Mr. Courtois's opinion. I had at the time no recollection of this, but have since been assured by Mr. Courtois that the question had been so put in that general form and that answer given. It is, therefore, very probable that such a question was put in that general manner and that answer given and acquiesced in, upon the assumption, however, that the discharge of the prisoners was a discharge upon the merits of the case. I desire also to add that this morning in the course of a conversation with an attorney who would in all probability be the counsel for any lawyer to whom a similar question was put, this conclusion I wish to state that pending an appeal after Judge Courtois's judgment, Mr. Devlin begged of me to see that no steps were taken for the restitution of the money. I immediately upon Mr. Courtois leaving the Bench, asked him to give an order to the master, and his answer was that no application had been made, and no order given, and that he had no order to give, or words to that effect.

Q. Were the charges preferred against the said offenders discharged by the court based upon the merits?

A. The decision of Judge Courtois is now known to have been entirely turning upon his jurisdiction, and therefore, assuming that he had no jurisdiction he could not very well make any order respecting the money his decision did not touch the merits of the charges.

Q. At what hour was the judgment of Judge Courtois rendered?

A. As far as I recollect, at about half past three o'clock.

Q. Have you been informed by the Chief of Police to whom he delivered the money so placed in his custody, and at what time the delivery took place and where?

A. The first intimation I received that the money had been handed over by Mr. Lamotte was from Mr. Devlin himself yesterday afternoon, and I heard him upbraid Mr. Lamotte for having delivered over the money; my conversation with Mr. Lamotte this day related to the newspaper report above adverted to, but he never told me to whom or where he had delivered the money. I understood from what he said to me generally, that he had delivered the money to each of the prisoners from whom the money had been taken, considering that he had no right to hold the money after Judge Courtois's judgment.

Q. Is it not the practice and the duty of public officers charged with the safe keeping of large sums of money to await the result of legal investigation, and particularly that of an officer charged with the safe keeping of between eighty and ninety thousand dollars alleged to have been stolen by the parties from whose possession it was taken, to apply for advice and

Answer—Inasmuch as the Court having regard to the amount of money, or to the officer of the Crown before delivering to the alleged thieves amounts of money.

A. I answer this question without reference to the amount of money, as that cannot affect the case. As to the practice, it is as of the Chief Constable in whose custody stolen property may be placed to do as is stated in this paragraph. In so far as this question relates to the duty of the officer, I can only answer it by saying what is the law on the point in this country, which is somewhat different from the law as it exists in England, namely—That the Court does not in criminal cases, possess the power of making any order relating to the property except to the extent that the thief has been convicted of the crime charged. By recent legislation in England greater powers are given to the Court, but this Statute not applying to this country cannot be enforced here.

Q. Are you therefore of opinion that Chief Lamothe was justified in dispossessing himself of the large sum of money entrusted to him, the proceeds of the robbery committed at St. Albans, and in delivering this money without any order, judgment or other authority requiring him so to do, to the persons accused of the said robbery, considering that the charges preferred against them were not disposed of in the merits, and without obliging them under the circumstances to make the same for the establishment of their claim to it?

Answer—My impression was that Mr. Lamothe would await some order before delivering up the money, and it was with the view of preventing any order being given, at least upon the suggestion of Mr. Deville, immediately after his decision, believing it very probable that an application would be made for the money to be restored to the prisoners, asked Mr. Counsel not to give any order; and it was not until I heard Mr. Lamothe's explanation to-day, referring to the question put to Judge Counsel some eight or nine days ago, that I could understand why he had paid over the money.

Question—If you knew as a fact that the Chief of Police had left the Court during the rendering of Judge Counsel's judgment, and that he had designingly absented himself from his office, and that finding judgment rendered in favor of the raiders accused of robbery and robbery, and that he had contrived to obtain remittances into the bank after other hours with the view of obtaining from such bank the money by him deposited there, and allowed to have been stolen by the raiders, and for the purpose of restoring it to them, or to others before the legitimate owners could adopt proceedings for its recovery; could you with your experience look upon such conduct as the discharge of a legitimate trust, or an outrageous violation of his official duty?

Answer—I can barely answer this question upon the assumption made by it, that such a course could not be considered as a legitimate discharge of the trust.

And further, deponent saith not, and hath signed.

ED. CARTER.

This closed the examination in chief of this witness.

The Chief being called upon to cross-examine the witness, stated he should do so when he had the assistance of his Attorney.

Chair. J. Counsel, Esq., Judge of the Peace, being sworn, saith:

Is it true that by your order of yesterday, Chief Lamothe was directed to retain in his custody the money taken from the persons accused of robbery and robbery at St. Albans on Wednesday last?

A. The Chief of Police was entrusted with the safe-keeping of all the money, pistols and other effects taken from the raiders and produced in Court during the enquiry, by the different witnesses who were there, and these examined; such money and articles to be kept by him until judgment should be rendered in the case.

Is it true that the monies so entrusted to the Chief of Police, were placed in his custody by some part of the raiders?

A. The articles being produced in Court before me were handed over to the Chief. He did not receive them from the raiders, with the exception of one whom I understood he arrested himself in Montreal.

Q. At what hour did you render your judgment yesterday in the raiders case?

A. I believe it was a few minutes before three o'clock, but cannot swear positively.

Q. At what time did you leave the Bench?

A. About half past three.

Q. Did you inform Chief Lamothe at any time before the rendering of your judgment, that you would discharge the prisoners on Tuesday, the 13th instant?

A. As I have been informed this day that at a meeting of the City Council held last evening it had been reported that I had made known my judgment to the Chief before it was rendered, I shall answer the question to vindicate myself from such a calumnious assertion. Otherwise, I should consider it an impertinence to ask such a question. I never at any time before the rendering of the judgment, informed the Chief or any one else, what would be my judgment, as my ruling was with difficulty made up on the point raised after I left the Bench to consider the objection made by the Counsel for the defence. I had no conversation with the Chief, nor even saw him on that day after half-past three in the morning, when I asked him for certain information concerning a shop-lifting case which I had seen published in the papers, and which had not yet been brought before me to investigate. Ten or fifteen minutes after four o'clock the same day, (yesterday) whilst in a conversation with Mr. O'Sullivan, my step-father, which took place in Notre Dame street, in front of the Old House, the Chief came in the direction in which I stood, and, after entering into conversation with us, he told me that Mr. Berlin was angry at him. I asked him why. He told me because he had delivered the money which had been placed in his hands, I was not aware up to that moment that the money had been delivered. I gave no order by instrument or otherwise for the delivery of the money in question. The Chief did not say to whom he had given the money, nor when nor where.

Q. Do you believe that the Chief Lamothe, knowing that the prisoners were discharged, by reason of the nature of the crimes preferred against them, was justified in delivering to the raiders, and to others on their behalf, the large sum of money which was entrusted to him for safe-keeping, without communication with you, and without receiving any directions from you as to its disposal?

A. I am not prepared to say that in delivering the money after I had declared by my judgment that I possessed no jurisdiction in the case, that he acted illegally, and in justice to Chief Lamothe I am bound to declare that he might have interpreted the answer which I gave him some eight or ten days ago, in Mr. Carter's office, and which is mentioned in Mr. Carter's deposition as a reason for giving up the money without referring to the Court.

Q. Are we, then, to understand that it is your opinion that Chief Lamothe, in delivering up to the raiders the large sum of money which they were accused of having stolen, and which you entrusted to his safe-keeping upon your judgment declaring that you had no jurisdiction in the matter, acted with becoming propriety, and in a way to command the act of your honourable consideration?

A. As I may yet be called upon to express an opinion from the Bench on this very point, I feel that I cannot give a decision at the present moment.

Q. By Alderman Leclaire: What are the words that were used in the conversation held in Mr. Carter's office, above alluded to?

A. Mr. Lamothe asked me what would become of the money deposited in his hands in the event of the prisoners being discharged; I answered that the money would have to be given back to the prisoners except an order should be given to the contrary by the Court.

Q. By the Clerkman: Are the words "and the possession of the said notes and bills was illegal" contained in the document now shown to you and submitted by Chief Lamothe as his answer to the charges made by Councillor Deville, contained in and forming part of your judgment rendered in the Court?

Answer reserved until to-morrow.
And further deponent saith not, and hath signed.

CHS. J. COURSON.

The Chief declines cross-examining the witness for the present.

Edward Adam Sowles, Councillor of St. Albans; I represent the St. Albans Bank and the National Bank in the matter of the raiders. I had a conversation with the Chief of Police on Friday or on Saturday last in relation to the money belonging to the St. Albans Bank that had been placed in his possession, and which I had seen in his possession. In this conversation, the question in regard to the safety of the monies arose, Mr. Lamothe then assured me that

Thursday - 15th December 1864. 9 o'clock

he should not deliver up the money except upon an order and a discharge in writing from the person to whom it should be delivered; I had told him (regarding in regard to the safety of the money) and I wished to satisfy myself by asking upon him that the money would be safe in case of any inquiry that might arise during the progress of the investigation relative to the robbery and murder committed at St. Albans. I had come here at that time for the purpose of taking steps to secure these monies in case of any unexpected disposal of that case by Judge Counsel, and from assurances that the Chief of Police gave me at that time and on former occasions at St. Johns and elsewhere, I did not insist upon such steps being taken to secure those monies as I otherwise would have done.

On the same day the Chief stated to me that one of the gentlemen representing one of the St. Albans bands came to him, and had in his hands an instrument for punching, and, in conversation in regard to the money belonging to the bank this person represented, he inferred that this gentleman would like to punch a hole through them for the purpose of identification, although that gentleman said nothing directly upon the question. While at St. Johns I was told by Judge Counsel that the money had been entrusted to the Chief of Police, and gave us the assurance that the money would be safe in his hands.

And further deponent saith not, and hath signed

EDWARD A. SOWLES.

Ordered, That the proceedings, so far as submitted to the Council this evening, and that the Committee stand adjourned until three o'clock to-morrow afternoon.

Having desired that it should be read in French, the Assistant City Clerk translated it.

During the French reading of the opinion a large number of the members both French and English retired, on which Alderman Conant remarked that there was no quorum present, and that the English members had shown little respect for their French colleagues by leaving the Council during the French reading, especially as the French Canadian members had patiently listened to the reading of the document in English.

Alderman Butler said there were as many English as French nearly.

Alderman Conant said he meant English as well as English members.

On counting it was found that there was a quorum present, and the reading was continued.

Possesst - Alderman Rodden, Jeckins; Councillors McCready, McTibbet, Devin and Leude.

The Chairman stated that he had received an application from several members of the press for permission to be present at the investigation.

Replied - That the press be not permitted to attend the meeting, but that the proceedings be communicated to the gentlemen of the press.

The Chief appeared with his Attorneys, Messrs. Abbott and Bellamy.

Kirkland English Lockhart, of the city of Montreal, Accountant in the Ontario Bank, being sworn, deposed as follows:

SWORN BY MR. DEWEY.

Q: Is it within your knowledge that Mr. Guillame Lamotte, Chief of Police, deposited in the Ontario Bank, in which you are accountant, at any time during this month, and if so upon what day? any parcel, sum of money or other effects.

A: On Monday or Tuesday last in the morning, Mr. Lamotte left in the Ontario Bank, a carpet bag sealed, contents unknown, for safe keeping, and to be delivered to himself or his order.

Q: Did the Chief of Police inform you of the contents of the said bag at the time of its deposit or since?

A: He did not inform me of the contents at the time or since.

Q: At what time was that bag left with you, and did any person accompany the Chief at the time of the deposit?

A: I think it was after ten o'clock, and to the best of my knowledge he was alone.

Q: Have you delivered the said carpet bag to any person since the deposit, and if so, state when the delivery was made, and to whom?

A: I delivered it on Tuesday last after three o'clock in the afternoon, to John Portfield.

Q: Who is John Portfield? where does he live, and what is his occupation?

A: He is an American gentleman and exchange broker on the Place d'Armes, I think, and I believe he resides in Prince of Wales Terrace.

Q: Is this Mr. Portfield known as a Southern sympathizer, and is it to your knowledge that he has been aiding and assisting, in any way, the persons who stood largely accused of the crime of the murder and robbery at St. Albans, and who have been discharged from imprisonment by Mr. Justice Gould?

A: I know him as a Southern gentleman, but would not say whether he is a sympathizer of the South; he has not, to my knowledge, assisted the persons in question.

Q: Upon whose order did you deliver the said carpet bag to John Portfield? was the order in writing, or in your possession, and can you produce it?

A: Upon Mr. Lamotte, Chief of Police's order, the order was in writing; it is in my possession, and I now produce it.

Montreal, 13th Dec., 1864.
Mr. Henry Starnes will please deliver to Mr. Portfield or order, the carpet bag put in trust into his hands.

Signed, Gen. LAMOTHE,
Chief of Police.

Q: What did Mr. Portfield say at the time he made his application for the carpet bag so deposited by the Chief of Police?

A: Nothing particular.

Q: How long after banking hours was this application made?

A: Between three and four. I cannot precisely say, but I think it was about half-past three, the bank closed at three.

Q: Is it true that the Chief of Police has been in the habit of making deposits of stolen property in the Ontario Bank for safe keeping?

A: I believe he has left money for safe keeping in the bank on previous occasions. We are in the habit of taking parcels, it may be plate, money or other articles, for safe-keeping, which we deliver over during or after bank hours, our cash accounts are closed at three o'clock.

Q: Do you remember Mr. Portfield when he applied for the carpet bag, having remarked that the St. Albans raiders had been liberated?

A: No.

Q: What kind of carpet bag was it?

A: It was a middle-sized carpet bag, rather work and heavy for me to carry in one hand.

Q: Have you any knowledge of any circumstances that would enable you to say what are the contents of the carpet bag?

A: Nothing but hearsay.

Q: Ask by the Chairman: When this bag was delivered to you, or at any subsequent time, were you informed by the Chief of Police, or by any other person, what were its contents?

The latter part of this question, which tends to obtain the evidence as to other persons than the accused having given information, was objected to by the counsel for the accused.

The objection overruled.

A: Neither at the time of the bag being left in the bank, nor at any subsequent time, did the Chief of Police inform me what were the contents of the bag. I have not been informed of the contents of that bag by any other person.

Q: Ask by Coun. McCready: Is it to your knowledge that the Mr. Portfield mentioned above keeps an account with the Ontario Bank?

A: I don't keep an account with the bank, but I think he does keep an account with the bank.

Q: Has it come to your knowledge, that that gentleman (Mr. Portfield) deposited any amount of American money since Tuesday in the Ontario Bank, and to what amount?

Question overruled.

RE-EXAMINATION.

The Counsel for the Chief of Police declines cross-examination, and further the defendant saith not and hath despaired.

K. F. LOCKHART.

Judge Counsel being sworn: To answer to the question held over yesterday afternoon defendant.

(He answers by saying:

A: These words do not form part and are not included in the judgment. I mean the words "and dispensed with the said notes and bills was illegal."

Q: By Counsel McCready: At the time the Chief of Police met you in Notre Dame Street, opposite the Court House, when stating to you that Mr. Devilin was very much annoyed at his failing up the money to the raiders, did you make any remark concerning the Chief of Police's conduct, or expressive of approval or disapproval of the act?

A: I did not, as the Chief went on in one direction, and taking leave of Mr. Charrue, I went in another. The Chief going in the direction of Jacques Cartier Square, and I went towards Notre Dame Street, West.

CROSS-EXAMINATION BY MR. LAFLAMME.

Q: After the judgment pronounced by you discharging the prisoners, and declaring that you had no jurisdiction, could you legally give any order for the money?

A: My opinion is that I had no such power.

Q: Do you not consider that the Chief would have been liable to damages for retaining the money after the judgment, and was he not justifiable in doing so?

A: This being a question relative to civil law more than to criminal law, I am not prepared to say what would be the opinion of the Judges in民事案件, but as I am called to give an opinion, I believe that he might.

Q: Is it not a fact that the Chief of Police did ask you if he could legally retain that money after the judgment discharging the prisoners?

A: I have already answered a similar question, it is to be found in my examination in chief.

Q: Did you not tell him in conversation, several times, when he asked you if he was bound to give over the money after the judgment discharging the prisoners, that such was the law, or something to that effect?

A: Questions to a similar effect having been made so often to me by different parties not interested in the case, that I cannot really recollect whether I made such an answer to Mr. Lafamme, more than once, for it is possible that I might have done so.

Q: From your opinion already expressed would you answer in every such case have been the same as you state.

A: Certainly.

Q: Do you not believe that from the nature of the observations made by you to him on this point that he was perfectly satisfied that it was his duty immediately after the judgment discharging the prisoners to deliver all the money as requested.

A: I have known Mr. Lafamme and every member of his family since many years past, and I have no doubt in my mind that when Mr. Lafamme delivered the money he was under the full impression that he had a right to do so. When I placed the money into his hands I had full confidence in his honour and integrity, and I have still, knowing that he would never commit a dishonorable act.

Q: Did not your observations on that point lead him to such a conviction?

A: They certainly might.

Q: Is it not a fact of frequent occurrence that money is given back to the prisoners without any order when the property is in the custody of the Chief of Police, upon his knowledge of the discharge of the prisoners?

A: It is not the general practice but is of frequent occurrence, as many members of the bar are fully aware of.

Q: Was the money attached to the Chief's hands?

A: I received no information whatever to that effect. I always expected that it would, and I may add, I am astonished that it was not. Could not the money still be on the Chief's custody have been attached a long time previous to the 13th instant, and during the whole of that day, up to the final rendering of the judgment?

A: I know of no law to the contrary.

Q: Was the Chief in any way bound to give information of the application for the money on the part of the prisoners, to facilitate the issue of any such attachment?

A: The duty of the Chief would have been to report to the Guard that such money had been attached, in the event of the Court making an order for the restitution of the money.

Q: In your opinion do you consider the Chief liable for having delivered the money after the judgment discharging the prisoners?

A: This is a point which a court of justice alone has the right to decide.

According to your opinion do you consider him liable?

A: I do not.

Mr. LAFLAMME declared he had no other questions to put to this witness.

RE-EXAMINED BY MR. DETHLIN.

Q: You have stated in your opinion in answer to a question by Mr. Dethlin, that the Chief would be liable in damages if he retained the money after your judgment; I therefore ask you to whom you think he would be liable?

A: He might be liable to the parties from whom he had legally kept the money; I mean the par who having a claim on the money.

Q: Do you adduce to the persons who were arraigned before you upon charges of murder and robbery, and who have been discharged by you?

A: I can make no distinction between these prisoners or any others, and if such a right of action existed, the Civil Courts of Justice would have decided whether the claims were right or wrong.

Q: I wish you to state definitely whether you wish the Committee to understand, that in your saying, that the Chief would be liable in damages if he retained the money, he would be liable to the raiders, who were accused before you of having stolen the same from the Bank of St Albans?

A: The members of the Corporation will form their own opinion on that point, as they seem meet.

Q: Do you decline to answer the question?

A: I have already answered the question in my answer before last.

Q: Do you seriously believe that the thirteen persons who were before you upon the charges of murder and robbery, and from whose possession the money in question was taken, upon the ground that it had been by them feloniously stolen from the St. Albans banks, would have any legal claim to damages against the Chief of Police, if knowing, as you know he did, that there were other claimants for the monies centralized in him, he refused to deliver the same to the said thirteen persons until their right to it was established by a solemn judgment of a Court competent to determine upon the legality of the claimants to such money?

A: On the assumption that such a case would have been brought before the Court and legally tested, it is impossible for me to give an opinion as to the decision that might have been given by the Judge or the jury.

Q: As you have already given it as your opinion that the Chief of Police would have been liable in damages if he retained the money after your judgment, do you wish the Committee now to understand by your former answer that his liability would have been doubtful?

A: Asking called upon to give opinions as I have already been, which course I believe, with due reference to this Committee, to be extremely irrelevant, I have said that the Chief might have been liable in an action of damages, without expressing an opinion as to the result of such an action.

Q: Your judgment having been pronounced between the hours of three and four of the clock of the afternoon of Tuesday last, permitting to ask you if it is your opinion that the Chief of Police would have rendered himself liable to the raiders to deliver to them the money in question before the opening of the bank in which the money had been deposited, the said bank having been closed before judgment was rendered?

A: I am not aware whether the money was deposited in the bank except from hearsay since the opening of this investigation; but if the prisoners were legally entitled to the money they had a right to put in possession of it as soon as possible after their discharge.

Re-examination postponed until to-morrow afternoon at 3 p.m.

RE-EXAMINATION BY MR. DETHLIN
Tuesday December 1st 1888, 3 P.M.
Present:—Aldermen Rodden, Leclair, Conseiller
Councillor McCready, McGibbon, Devilin, Leduc.
Councillor Devilin stated that before proceeding with the investigation he desired to ask for an adjournment. The Committee until 11 a.m. to-morrow the 17th inst. The application being assented to by the counsel for the accused. It was ordered that the committee stand adjourned until 11 a.m. to-morrow.

It is not true that some days before the judgment was rendered arrangements had been made for the delivery of the proposed sum to the prisoners on the first day of the trial.

A: I believe so. On the first day of the session, I made every arrangement I could, I myself to provide for the delivery of the money.

A: What arrangements had you made or knowledge that you had that he should have an amount of money ready for the delivery of the money?

A: Now, I, the solicitor, have acted with great promptness, without any having the order ready.

Q: What do you mean by the "order ready?"

A: I have no knowledge at all, nor do I know where it is.

Q: Have you any knowledge of the "way" by which the money was given to the Chief of Police?

A: No, I am not in the position to know.

The question may perhaps be raised whether the police received any of the balance than a legitimate and sufficient amount.

The Committee asked me to go to the prison on the following Saturday, December 1, 1883, to see the Mayor.

A: No, I am not in the position to know the Chief of Police is concerned, but to the best of my knowledge goes to him. I decline further to say what the reason is.

Q: Were you present when the bag was opened and have you any knowledge of its contents during the rendering of the judgment?

A: Not after giving the sum to him, if any, I could know; that it was a portion of it, I believe it must have gone to the police chief himself before I saw it.

Q: Did you know the persons who were charged by the police and who were accused of having caused the riot on St. Albans prior to December 1st?

Q: Who told you that Mr. Kerr was awaiting a speech concerning what was to be done in regard to the delivery of the money?

Q: Did you speak to the Chief of Police by appointment on Monday last, previous to your introduction to him of Mr. D'Amour, and if so when?

A: I had no appointment with him. I saw him and evaded one or two others, Mr. Lumsden among the number, to advise him I wanted to see him, and I directed him near the St. Lawrence Hall, Great St. James street.

Q: Did you meet the Chief of Police on the day preceding, after the discharge of the prisoners?

A: I think not. I think it was the next day.

Q: Will you state precisely what arrangements you had with the Chief of Police on Monday previous to your introduction of him to Mr. D'Amour, respecting the delivery of the money, and also when for drafting to introduce him to Mr. D'Amour?

Q: Was the certainty you had of the prisoners' discharge on Tuesday the cause of your making arrangements for their escape on Tuesday, and the fact not, in anticipation of their discharge, cause their chafing and other efforts to be removed from the jail previous to the rendering of the judgment?

A: I had high hope for the discharge of the prisoners on Tuesday. I had expected that the cause for the prosecution would make general complaint, and I understood that Hon. John Ross had prepared a type of some thirty odd pages, to be delivered, and Mr. Devlin to be very anxious and eager, and likely to occupy the court for an hour or two, at any rate; but my duty was to have everything ready, for they should be caught hallooing, and I ordered the boys to have their traps set in their trunks, with their names written upon them, so that they could be delivered to my order, and the most of them are now in charge of the latter.

Q: What may they do you instruct the boys to have everything ready?

A: Some time Monday, previous to the judgment.

Mr. D'Amour applied for the postponement of the investigation until 11 o'clock a.m., which was granted unanimously, and the Committee adjourned accordingly.

PROCEEDINGS OF POLICE COMMISSION

THE CHIEF OF POLICE.

Tuesday, morning, 10 a.m. A. M.
Present—Alfredus Rodden, Charles L. Ladd, Devlin, McGehee, and McGehee.

George N. Sand, his examination continued.

Q: You have stated that you had hardly looked for the discharge of the prisoners on Tuesday, as you supposed that the cause of the prosecution would make some opposition, and you have to ask you if it is not equally so as made to the discharge of the prisoners by Mr. Devlin, and that after he had exhibited his address to the Court, the Hon. John Ross stood for the purpose of speaking on the same side, and was refused a hearing by Mr. Justice Edwards.

As far as what I have heard and saw, the Council for the prosecution were perhaps aware of their guard by Messrs. Abbott and Lumsden, not appearing to give any importance to the discharge of Mr. Kerr, and rather enjoining the judge at Mr. Kerr, and they were not paying much attention to Mr. Kerr, while the feeling in my mind was giving all his attention. Mr. Devlin made a speech in opposition rather apologetic to the Court for taking a serious view of the application. Messrs. Devlin and D'Amour, whose defense of the judgment was pointed and cut across to stay the effect of the judgment. Then after Mr. Ross spoke, the debate was put to a stop.

Question by the Chairman: When were you first introduced to the Chief of Police, when were you introduced, where did the introduction take place, what persons were present then, was the delivery of the money in his possession then talked of?

It was introduced to the Chief of Police on the Tuesday after the St. Albans raid by Mr. Leo Bronx of Baltimore, at the Deneuve Hotel, in the presence of Mr. Justice Gould, my friend Bruce seeing them in the street, and knowing my anxiety to know something of the prisoners, brought them in and introduced them to me nothing transpired at that interview except information to me in regard to the capture of the prisoners and their condition; no suggestion whatever was made to the money except in regards to the capture of it, but nothing as to the disposition of it.

Question by Chairman: When and where did you first speak with the Chief of Police in reference to the delivery of the money in case of the discharge of the prisoners?

A: I think it was on or about Thursday preceding the 13th instant, at the St. Lawrence Hall or at Dally's.

Question by Chairman: Have you had any other interview with the Chief of Police than those mentioned in your previous examination?

A: None special or material.

Cross-examined by Mr. Lumsden—Do you positively know that the Chief never received anything was promised anything to your knowledge for the delivery of this money, and if such had been the case, do you believe that such that you would not have known it?

A: I have been the acting representative of the prisoners here employed their counsel, and am very sure that no one could have made overtures to him without my knowledge, and I have no knowledge of any compensation or promise being made by any one, certainly not by myself, and had the prisoners given any such compensation or promise they certainly would not have concealed the fact from me.

Q: Is it to your knowledge that a proposition was made to the party complaining in this matter to have the amount or the equivalent in value of the amount which was deposited in the Chief's hands, put in a banking institution of this city, to abide the decision of a Court of Justice declaring the liability of the Chief for having given up the money as he did, and declining the right of any party to claim it?

A: Messrs. Kerr and Lumsden were authorized to make such offer.

Q: Is it not to your knowledge that the complainant has admitted that such a proposition was made?

A: It was admitted by him with a slight qualification, which qualification he has not explained.

Q: Are you aware that this proposition was refused?

A: I was informed by Messrs. Kerr and Lumsden.

Q: Informed the Chief on every occasion, when you spoke to him about being prepared to deliver the money on the discharge of the prisoners, tell your Honor what would do so only if he was legally bound to do so?

A: I had only two interviews with him on the subject, and he was very cautious in not giving me any encouragement and emphatic in saying that he would not do so unless advised by counsel.

Q: Do you know if such counsel was consulted and who was the counsel?

A: The Chief informed me that he had consulted Mr. Justice Caron and Edward Carter, Esq., and that they had informed him it would be necessary to return the money to the prisoners who were discharged before an attachment.

REMARKS BY MR. DAVY.

Q: Do you wish the Committee to understand that you are personally cognizant of all the circumstances connected with the delivery of the money, and its value, and that nothing took place in reference to its deposit without your knowledge?

A: I mean the Committee only to understand from my relation to the prisoners and their counsel, that nothing would probably have taken place without my knowledge and consent.

Q: How then do you account for not being able to inform the Committee what became of the money after its delivery, recollecting as you no doubt do, that you have stated, it may have passed through several hands, if then you knew everything connected with it can you not now state through whose hands it passed?

A: I saw a few thousand dollars which I supposed were part of the money, money in the hands of the Confederate government agent here; he did not admit that it was. I supposed it passed through several hands before we got it.

Question by Thomas M. McCrady: Since you have made mention of the agent of the Confederate States here, can you inform the Committee who that agent is?

Answered to be the Counsel for the defense as being entirely foreign to the subject matter going under investigation, and for the sole purpose of enabling the party who ought to have taken an attachment on the money to do so now.

For maintaining the objection: Messrs. Leduc, Lescire, Rodden.

Against it: Messrs. Metcalf and McCrady.

Question by Cincinville McCrady: Are you aware that the Chief of Police had an interview with the agent of the Confederate States, as you call him, previous to the judgment of Judge Coursor concerning the said judgment of the robbery of the money that was robbed from the St. Albans Bank?

A: I do not believe that the Chief has any idea who the Confederate agent is, and I do not think it possible he could have had any interview with him; he may know him personally, but not as agent; he has had no interview with him to my knowledge.

Q: Is it not to your knowledge that the Confederate agent, so called by you, received from the Chief of Police the carpet bag or order for the same, which you heard was the contents of the plunder from the St. Albans Bank?

A: I have it from the agent himself that he has no knowledge of the subject whatsoever, and it is notorious that said carpet bag was received by Mr. Porterfield who is not the agent of the Confederate Government.

Q: Is it not to your knowledge that the Chief of Police was ever introduced to the agent of such agent, or in any other capacity?

A: No.

And further deponent saith not and hath signed.

GEO. N. SANDERS.

O. A: Burton, of Burlington, the State of Vermont, Banker, sworn:

Q: Are you connected with any of the Banks of St. Albans, and if so, in what capacity?

A: I am President of the Franklin Co. Bank of St. Albans.

Q: Was there any money stolen from that Bank on the 19th of October last, and if so, how much?

A: There was; some seventy-five thousand dollars; large amounts were also stolen from the St. Albans, and the First National Bank of St. Albans, as I was informed.

Q: Is it within your knowledge that a large part or portion of the money so stolen was found in the possession of the persons recently discharged by Mr. Justice Coursor, and that the same had been put in the custody of Mr. Lauzon, Chief of Police?

A: Yes.

Q: Had you any conversation with the Chief of Police respecting the attention and safe keeping of this money, and if so, state what transpired upon each occasion when you had such conversation, and relate all particulars within your knowledge respecting this matter?

A: I heard that there were ten thousand dollars of the Franklin Co. Bank bills found in the hands of a man of the name of Hutchinson, by Mr. Lavoie, Chief of Police. I came into Montreal and called on the Chief, whom I asked to let me see the money. He took me into his house where he kept the money, and I examined it. Before I left the city this Mr. Hutchinson was called before some officers of the city in order to get his discharge. A short time before the decision was given the Chief requested me to have my attorney (Mr. Davlin, as the attorney for the Banks) stand near him at the time of the decision, and if he was discharged, send the money ordered to be given up for Mr. Davlin to take the bag from his hands and he would not resist him, as he thought we were entitled to the money. I did speak to Mr. Davlin, and told him of the request of the Chief, and the decision was made to demand the prisoner back to custody, and there was nothing more done that day about the money. Some days after that, I was called again by the second time while all the others were on trial, I asked Mr. Lavoie, the Chief, for him to examine the amount of the Franklin County

Bank bills, that I had an interest, while the Court had adjourned for dinner. Mr. Lavoie stepped into a back room of the court, and he had all the money, as he said, in two vessels, that was taken at the latter, which he said was from eighty thousand to fifteen thousand dollars. I took memorandum of the amounts of the Franklin County Bank bills as

marked on the reverse of the different packages, which amounted to the aggregate to some thirty-five thousand dollars. I stated the Chief if this money was kept safe, as there was a large amount of it, he replied that it was in the government's hands, or the City's hands, and that it could not be safe. I replied that he should be the mark of Franklin County Bank bills, he said I might do, but that I should let it be an all nighter, get through convincing them to court for identification, and he would let me know then the proper time for doing it. I therefore went home and have not spoken until he spoke to me this morning.

Q: Did he say anything to you in reference to what he would do in the event of the persons being suddenly released?

A: I cannot say, think not.

Q: Were you informed by him that he would not give up the money with it contracting with Mr. Davlin?

A: I can say that he did.

Q: Did you claim any portion of the money that were lost to the side of your property?

A: I did to the amount of some \$1000, of which I could identify.

Q: Were you informed by Mr. Davlin whom you expressed to him should retain the ultimate safety of the money, that he refused, but demanded to the majority of the Chief and that he would not act indiscriminately or hasty in the matter, no matter what the result might be?

A: He informed the money was safe in the hands of the authority who held it, and I should have a chance of getting the money before I left the hands of such authority. On that assurance I had the utmost confidence and returned home.

Cross-examined.—Q: When you asked the Chief to allow you to inspect the bills of the St. Albans Bank, did he not answer you that he was bound to keep intact the bills which he had received independently, and that he could not allow any person to alter them, so long as he should have them in his custody, by order of the Court or something to that effect?

A: He did not, but said that I should have the privilege of marking them before they passed from his hands if they were not handed over to the banks.

Q: Are you not aware that it was his duty to allow me marks to be put on such bank bills so long as I had them in his custody, and that he was bound to restore them such as he received them to the parties who might be legally entitled to them after the judgment?

A: I was not aware that he could not let me mark them.

Q: After the argument with not and hath signed.

O. A: Burton,
The Committee adjourned until half past seven o'clock, p.m.

PROCEEDINGS OF POLICE COMMITTEE.

EVENING SESSION.

TUESDAY, 2nd Dec., 1870, at 8 P.M.
Present: Alderman McLean; Councillors McEvilly, Lynch, Lalonde, Dublin.

Thomas W. Fletcher, of the City of Montreal, Advocate, being sworn, deposes as follows:

I am the partner of the Honourable John Rose, and one of the Counsel in the case of the St. Albans prisoners. About the third November last Mr. Rose and myself were retained by the United States Government in the matter of the St. Albans prisoners, but we were not retained by any of the local American authorities, nor by the St. Albans banks. On the 15th December instant I was present in Court when the Judge of Sessions rendered his judgment, declaring that he had no jurisdiction. As soon as he had finished reading his judgment and before it was finally declared by him that the prisoners were to be discharged, not only in the case of the alleged robbery of the St. Albans banks, but also in the five other separate and distinct charges pending against the prisoners, but the custody upon which had been by the Judge of Sessions kept in abeyance, and which had not been argued, and upon which, as I believed, the judge refused to hear any arguments on behalf of the prosecution, I left the court, accompanied by Mr. Sowles of St. Albans, and prepared a fresh complaint against the prisoners, for the robbery at the first National Bank of St. Albans. As soon as the complaint was filed, that is, in about fifteen minutes, I went to the Judge's Chambers, to have it served to my wife. Not finding any judge in Chambers, I drove to Judge Berthelot's residence and found him absent, and was told that he was still at the Court House. I returned there, but failed to find him. I went back to his residence, accompanied by Mr. Sowles, and finding the judge at home I laid the written complaint before him, and asked for warrant for the re-arrest of the prisoners. After stating the case as fully as I could, and also the grounds as I understood them, upon which Judge Gould had discharged the prisoners, Judge Berthelot declined to take responsibility of issuing the warrant at that time, but preferred we should delay the application until the next day. I then drove to Judge Smith, and after explaining the matter to him, he readily signed the warrant, which I applied for. I then drove in company with the Hon. Mr. Edmonds, who was acting on behalf of the United States Government to the residence of High Constable Bissonnette; we found him absent, and were told by his wife that he had gone to the goal. Driving to the goal, we found he was not there, and returned to his house, but he was still absent. After returning to my office in Little St. James Street, I again left at half-past six o'clock, accompanied by Mr. Edmonds and drove to the Police Station on Jacques Cartier Square, and asked for Mr. Lamotte, Chief of Police; but was told that he was at his own residence. Mr. Flynn, sub-Chief of Police, was at the Station, and coming in into the passage I exhibited to him the warrant issued by Judge Smith, and required him to execute it forthwith, and to use all the force under his command for the purpose. Mr. Flynn said that he would not act without the order of the Chief of Police, but that with authority he would act at once, having plenty of men under him. I asked if he was not a constable, and he said that he was, exhibiting the warrant and to the fact that it was addressed to any constable or peace officer, and repeated my request that he should execute the warrant at once. He still declined to act without the order of the Chief. Mr. Edmonds and myself then went to Mr. Lamotte's residence. Upon inquiring for Mr. Lamotte we were shown into the front room; the gas was not lit, but the room was partially lighted by the fire in the grate. Mr. Lamotte was lying on the sofa, apparently asleep; after he had been aroused and came forward to meet us, I stated to him the object of our visit, and handed to him Judge Smith's warrant, and requested him to execute it at once. He then said: "I am sorry, gentlemen, but the money has been delivered up; by this I suppose he thought the warrant had reference to the money taken from the St. Albans banks, and of which he had the custody. I explained to him that the warrant had no reference to the money; but was for the arrest of the parties discharged by Judge Gould. As I thought Mr. Lamotte seemed a little annoyed at our visit, I told him that we had first gone to the Police Station, expecting to find him there; that I had requested Mr. Flynn, the sub-Chief, to execute the warrant, but that he had declined to do so without his (Mr. Lamotte's) orders. Mr. Lamotte answered, "He did quite right; if any of the men had executed that warrant without my orders, I would dismiss him in the morning." He then took the warrant into another room, and remained a few minutes, as I supposed, to read it. Upon his return he said that if he was bound to execute the warrant, he would do so, but not otherwise; that he had no orders to receive from me or any one else. I answered that I did not pretend to give him any order, but that I wished him to execute Judge Smith's warrant. He said that he had no orders to receive from any Judge; that he was not bound to execute Judge Gould's orders, and that he was independent of the

Government. I pressed him for an immediate answer, whether he would execute the warrant or not, telling him that the ~~judge~~ admitted of no delay, as it was thought the parties might leave by the steamer past eight o'clock train for the West; he said that he had to dine, and that he wished to take advice as to his liability to execute the warrant, and that he would not give an answer before three-quarters of an hour. As it was then seven o'clock, I considered this answer as a virtual refusal to execute the warrant, and, as such, only, I did not leave it with him. In the course of the previous conversation, Mr. Lamotte said that there had been accusations of wrong in the matter, and that whatever might have been done was justified in that he had been for several days sealed off in that way and that, about the previous day, he was saying that he ought to give it up, and that that he ought to retain it, but he did not care for either the North or the South; that if he had retained the custody of the money the South would have found fault with him, and that as he had given it up, no doubt the North would blame him, and that he thought he had done right in giving it up. Mr. Edmonds was present during the whole of this conversation. When left Mr. Lamotte's residence, drove to Mr. Bissonnette's, and found him going into his house. I went in with him, Mr. Edmonds remaining in the vehicle, and placing the warrant in Mr. Bissonnette's hand, I requested him to execute it at once, with all the men he could command, and asked him to apply to Mr. Lamotte for men. He drove across to Mr. Lamotte's residence, and Mr. Bissonnette went in alone. In about fifteen minutes, Mr. Bissonnette returned, saying that Mr. Lamotte had told him that he wanted a half an hour to decide whether he would give him assistance to execute the warrant or not. Mr. Bissonnette had walked on in advance, and before he joined us in the street, Mr. Bissonnette told me that Mr. Lamotte had said to him that the parties to be arrested were not leaving by the Western train. I answered "How did he know that?" I then drove with Mr. Bissonnette to Mr. Gould's house, and he went to get Mr. Gould's order to the Governor of Police for assistance. He returned in a few minutes, saying he had received a verbal order from Judge Gould to Mr. McLaughlin to place the Governor of Police at his disposal. We then drove to the Water Police Station and saw Mr. McLaughlin, who said he would give all the assistance possible. There appeared to be only four or five men at the Station. I then went away from the Station, leaving my sleigh for the high-constable and police.

Q. Is it your opinion that if Chief Lamotte had executed the warrant in question with that promptitude which the exigency of the case required, that the ringleader or some of the robbers have been arrested?

A. Yes.

Q. Is it your belief then that the ~~execution~~ of all the robbers after their discharge by Judge Gould, is due to the refusal of Chief Lamotte to comply with your urgent request that he should immediately execute the warrant which you caused to issue so soon after the discharge of the prisoners?

A. I certainly do think so. I was ~~anxious~~ anxious at the position as soon as I ~~had~~ ~~arrived~~ in regarding the execution of such a warrant issued by a Judge of the Superior Court, from any ~~motives~~ of personal convenience, or for the purpose of obtaining advice as to his legal responsibility, the more so, that during the whole time I was connected with the investigation, Mr. Lamotte acted under the direct orders of Judge Gould, and, as I believed had been actively instrumental in the ~~discharge~~ of the prisoners or some of them, ~~especially~~ ~~extreme~~ for me to find ~~accomplices~~ as I was by a gentleman in Mr. Edmonds' position, that it was apparently an absolute impossibility to execute a Judge's warrant in the city of Montreal ~~merely~~ owing to the delay ~~or~~ ~~refusal~~ to act, ~~by~~ ~~the~~ Chief of police.

Question by Councilor McGibbon.—From your experience as a lawyer, in these matters, was it not the duty of Chief Lamotte to execute without any delay whatever the warrant signed by Judge Smith, and which was placed in his hands by you?

A. I did not, at the time, when Mr. Lamotte delayed on account of his ~~alleged~~ ~~doubt~~ as to his responsibility, know precisely what his liability was, but presuming him to be a ~~responsible~~ ~~peace~~ Officer, I consider it was his ~~duty~~ to execute Judge Smith's warrant without ~~hesitation~~ or delay. No doubt Mr. Lamotte's ~~act~~ of office was that of constable or peace officer, and I think it very extraordinary if he is entitled to disregard the warrant of a Judge of the Superior Court.

CROSS EXAMINED.

Q. Did not Judge Berthelot give you as the reason for refusing to issue the warrant, the judgment rendered by Judge Gould requiring the warrant of the Provost for the arrest of the prisoners? If not, state the reason given by you.

A. I did not consider it necessary to state for my examination in chief all the conversation that took place at Judge Berthelot's residence, but as the question is put to me, I cite the substance of the reasons assigned by Judge Berthelot as wishing to delay until the next day. The Judge said that it was after the usual hours of business that he could not then look fully into the matter; that it was possible Judge Gould's judgment was right, and that he did not wish to assume the responsibility of issuing the warrant at that time.

Q. What Judge Bartholdi, a Judge at the Superior Court, told Judge Smith, and leaving like this?

A. Yes.

Q. Will you repeat to Judge Smith for this warrant, did he tell you that he was prepared to say that the decision rendered by Judge Counsel, was erroneous, but did he not on the contrary, tell you, that he was not prepared to give his opinion in the matter, and that the warrant he could give you would be very provisional, and that you were bound to return it, on the next morning at 10 o'clock, if not executed, then to await the consideration of the matter; if not, state what he said on the matter?

A. When I made the application to Judge Smith we had not the extradition treaty nor any of the statutes passed to give it effect, before us, Judge Smith stated that he was not satisfied with the procedure under the treaty or the statutes, as he had not had an occasion as a Judge, to consider the treaty and statutes particularly, that he thought it was his duty, in the interest of justice, to issue the warrant. The only indication he allowed in the matter, arose from the apprehension that upon the arrival of the prisoners he would be bound to undertake the whole inquiry, which he said the ordinary judicial functions would not permit him to undertake. As my wish was to obtain the warrant immediately, and fearing that he would otherwise decline to issue it, I took the responsibility of saying to him that I did not intend to give him the trouble personally to take the investigation, but my object was to get the warrant so once, so as to get the prisoners re-arrested; and that arrangements would no doubt be made to relieve him from the responsibility of going into the investigation himself. As I recollect that the warrant had a blank for its return filled in the day and hour without stopping, to reflect whether the prisoners would be arrested before the hour or not; there was nothing said about the warrant being a provisional one, nor did I understand Judge Smith to say that the warrant was to be returned at the hour named in it. I think I said that if the prisoners were arrested the officer would come up for his consideration the next day. Judge Smith expressed no opinion as to the correctness of Judge Counsel's judgment. From what Judge Smith said I inferred that he was not positive as to his obligation to issue the warrant; but when I urged that we were entitled to consider the statute of 1861 as fully in force, he consented to issue the warrant.

Q. Assuming the judgement of Judge Godefroy to be in accordance with law, was Judge Smith's warrant valid?

A. I cannot suppose Judge Counsel's decision to be according to law, for I believe that no instance can be found in which a Police magistrate has assumed to declare a public statute unconstitutional or void. Beside, he had acted under it for a considerable time, and, as I believe, under the advice and direction of the government, but assuming, as I am asked to do, that his judgment in the case of the St Albans Bank was according to law, the discharge of the prisoners upon all the other charges which had not been fully examined into, and in which no application had been made upon a supposed want of jurisdiction was made, was, in my opinion, manifestly illegal, and, as I have before said, the new warrant issued by Judge Smith was for the robbery of the First National Bank of St Albans, in respect to which the enquiry was incomplete, and no application for the discharge of the prisoners had been made. Even supposing Judge Counsel's judgement to be entirely correct I do not consider Judge Smith's warrant absolutely invalid, although not preceded by a warrant from the Governor General, and certainly I consider that no constable was entitled to treat it as being invalid.

Q. Are we to understand then, you say that in by law, these parties could only be arrested under a warrant issued by the Governor, that a warrant issued by any other party, Judge or magistrate, would be of no effect, and would enable the officer executing it to the protection of the law, if not by resistance?

A. The question asks for legal opinion as to what resistance a party named in a warrant which might be declared invalid, would be entitled to make, and I am not prepared to answer it without reference to authorities; particularly as I consider the question does not arise under this enquiry. If Judge Smith's warrant was an absolute nullity, I suppose any officer might, upon his own responsibility, refuse to execute it.

Q. Will you state that any officer of a court of justice after hearing a judgment pronounced by that court, declaring a warrant null and void, could be bound to execute or be in any way liable for refusing to execute a warrant of the very same description three hours after this judgment, or at least to ask for three quarters of an hour to enable him to look up for authorities to ascertain his right to act?

Q. The case put in the question is not the one applicable to the facts in this matter. Judge Godefroy is the Judge of an inferior court, and though having concurrent jurisdiction, under the statutes, for giving effect to the extradition treaty, with the judges of the Superior Court, the judgment was rendered by him, and not by a judge of the Superior Court, and I consider, as I have stated in my examination in chief, that the delay asked for by Mr. Lamothe before he would give an answer whether he would execute the warrant amounted, under the circumstances, to a refusal to execute it, and I consider that he had no right to hesitate before executing the judge's warrant; and I certainly think he is liable for such virtual refusal to execute such warrant.

A. Please answer the question assuming the facts to be such as are stated in the question.

A. I have stated before that if Judge Smith's warrant was an absolute nullity, I thought an officer might take the responsibility of not executing it. I consider that the officer might be bound to execute the warrant, and I consider the execution of a warrant is to present to judge as to the validity of a Judge's warrant truly an warrant.

Q. Will you please answer "Yes" or "No" the question just before this. Whether any officer of a Court of Justice, after hearing a judgment declaring a warrant null and void, could be bound, under any penalty, to execute a warrant of the same description three hours after this judgment, or would be not be justifiable in taking three quarters of an hour for considering his liability. Answer without reference to study Judge Smith's or Judge Counsel's judgment, re of 207.

A. To answer that a constable would be entitled to the delay demanded would be to assume that every constable of peace officer whom a warrant is addressed should be entitled to decide a question of jurisdiction which had been decided by another by ~~any~~ ^{any} judge, and which is so far as the ministerial action of the constable is concerned, had been decided in an opposite view by another Judge of concurrent jurisdiction. I consider the question fully answered by my answer to this and the previous question.

Q. Is that all the answer you can give to the question?

A. I refer to my previous answers as fully answering the question.

Q. So you cannot say, or will not say, either no to this question?

A. I have already said that I consider the question to be fully answered, and I consider it a mere waste of time to repeat what I have said.

Q. Judge Counsel had been of the same name, jurisdiction and rank as Judge Smith, you believe that in that case the officer could have been entitled to execute a second warrant of the same description?

A. I should consider that the question is whether Judge Counsel has the same jurisdiction and rank as Judge Smith is material, in relation to the actions of the Chief of Police I am concerned.

Q. Did not Mr. Lamothe tell you, when you called upon him to execute the warrant in question, that it was the first time that he was called upon to execute a warrant of the Judges of the Superior Court or of the Court of Queen's Bench, since he was appointed Chief; that they were always given to the High Constable, or other officers of that Court?

A. There is no recollection of his saying anything of the kind; I made a written memorandum the next morning, of all the material parts of the conversation that took place at his house on the occasion above referred to, and I have no note of any such statement. It is very likely that he said he was puzzled to know how to act under the circumstances. Ten minutes did not elapse after we left Mr. Lamothe's house until we found Mr. Bissonette. The High Constable went to the Bonaventure Station before the train left.

And further deponent saith not, and hath signed,

Tues. W. December.
The Counsel for the prosecution stated that the investigation was closed so far as he was concerned, with the reservation of putting in a written statement in answer to statements produced by the defence.

Adjourned to 2 o'clock to-morrow.

WEDNESDAY, 21st Dec., 1864—2 o'clock P.M.
PRESIDENT: Alderman Rodden, (Chairman) Alderman Leclaire; Councillors McElroy, Leduc, Labelle, McGready, Devlin.

The Counsel for the accused asked until two o'clock p.m. to-morrow to produce witnesses—Granted.

Councillor Labelle moved—

"That the proceedings of this Committee be submitted to the Council at their meeting this evening, in as much as they are not completed, but that delay be asked to complete them."—Carried.

Councillor Labelle moved—

"That this Committee have noticed with regret that some newspapers of this city, both English and French, have taken upon themselves to publish certain proceedings of this Committee, which the Committee deemed it inexpedient to publish, the more so, as these proceedings have been published by those newspapers in an entirely incorrect form, and that this Committee feels it their duty to declare incorrect the statement that his Honor Mr. Justice Godefroy did answer in the affirmative the question published in the newspapers, or any similar question, relative to a pretended conversation between Mr. Justice Godefroy and Mr. Devlin."—Carried unanimously.

The Committee then adjourned until 2 a.m. to-morrow.

Porter's Committee
Thursday, December 18, 1873, P.M.

President:—Albion R. W. Willard, Esq., Lawyer; Counselor McCosh, Esq., Lawyer.

THE CHAIRMAN.

Mr. LaMothe, Q.C., proceeded to examine witness for the defense.

Franklin Cassidy, Esq., Q.C., Advocate, being sworn:

Q. May we not consider that Mr. LaMothe was bound to deliver over the money to the parties concerned after their discharge pronounced by the judgment of the Judge of Sessions in the matter of the St. Albans Bandits?

A. If Mr. LaMothe was present when the judgment was delivered as I assume that he was, and if then he was not notified not to deliver up the money, either by the Judge or by the parties interested in such money, I consider that he was bound forthwith to deliver up the money.

Q. Do you believe that after hearing a judgment declaring that no warrant could give the right to arrest the parties unless one signed by the Governor, that he was justified in asking for half an hour or three quarters of an hour to ascertain whether he could legally execute a warrant other than one signed by the Governor?

A. Under these circumstances I am of opinion that Mr. LaMothe was fully justified in claiming half an hour, and even three quarters of an hour, to examine the expediency of executing the last warrant signed. Assuming that Mr. LaMothe did hear in Court from the Judge, that the Governor-General alone could grant a warrant for the arrest of these gentlemen, I am of opinion that he would have acted contrary to his duty had he forthwith, without taking time to consider, executed the last warrant. It was blinding before executing this last warrant, to go and inform the gentleman who had signed it of what had passed in Court, or to consult with some person of experience in such a matter as to the course he should follow. There might be instances in which a constable should not be bound to execute an order given even by one of the Judges of our Superior Court; for instance, if through mistake a *capias ad respondendum* in a civil suit was addressed to a constable by our Superior Court, with injunction to execute it, I consider that he would only be doing his duty in refusing to comply with such an order.

Q. Is not the High Constable the ordinary officer of the Criminal Courts?

A. Yes.

THOSE EXAMINED BY MR. DEVERIN.

Q. Have you any knowledge of the way in which the money was given up or of the means resorted to for the purpose of its delivery to the Indians?

A. I have not.

Q. If you were aware that the money delivered by Chief LaMothe had been claimed by several persons, who had sworn that it was their property, that it had been feloniously stolen from them, would you entertain the opinion that its delivery to the persons who were so accused of having stolen it was justified by a judgment simply affirming that the Court before whom the accused were tried had no jurisdiction in the matter, without an order from the Judge who had cognizance of the case?

A. If there were for Mr. LaMothe proper affidavits showing that the money in question had been stolen, and if Mr. LaMothe, without any intimation whatever, either from the Clerk of the Crown or from the Judge, who had just declared his want of jurisdiction, to try the case, and if the parties concerned in such money had not been present at the rendering of said judgment, in order to protect their esp rights by giving notice to the Chief of Police to retain the money, I would consider that it would have been the duty of Mr. LaMothe not to disregard the affidavits, and to retain the money alluded to.

Q. Assuming that it had been satisfactorily proved before you that the money question had been delivered up to the persons accused of having stolen it or to the persons acting on their behalf before the judgment referred to had been recorded, or, say within a minute or two afterwards, or during the time that the judgment was the subject of discussion in court, and that all this had taken place by pre-arrangement with the friends of the accused, would you, under such circumstances, consider the delivery of the money justifiable?

subjected to be considered as determined, as being entirely reasonable and, following facts which are not proved, to be otherwise.

A. If the payment of the money had been made under circumstances of this kind, I would say that it has not been proper.

Q. In your opinion that would be a case where the exercise of discretion by a constable in changing a *capias*, in questioning the validity of a *warrant*, would not be in accordance with the law, when the law says that a warrant has issued from a judge or a person holding the same, and is to be carried out.

A. As a general rule, it would be reasonable to question the validity of a warrant, especially if it had been suspended, that I consider there are exceptions and it agrees in case there are not.

Q. Do you not believe that if a constable were to be permitted to take exceptions in one case and consult himself for that time being the judge of the validity of a warrant signed by a Judge of the Superior Court, that he might reasonably make exceptions in every case in which the judgment led him to differ from that of the judge signing the warrant?

A. I am of the opinion that when a constable finds that there is a total want of jurisdiction in the party who signs a warrant, he is not bound to execute it, and I may say that according to my views, this is the only instance in which a constable would be justified in refusing to act, and applying this principle to the present case, I say that Mr. LaMothe, after hearing what he heard in Court was justified in thinking that the gentleman who signed the last warrant had no power whatever to sign it.

Mr. Deverin decl'd. rad he had no other questions to put to the witness.

BY THE CHAIRMAN.

Q. Considering your answers in reference to the question of the Chief of Police in executing the warrant of Judge Smith, will you tell the committee how you account for the fact that on coming to the High Constable was found suspended in executing the warrant, and how do you account for Justice himself, the moment he was called upon, clearing that the Water Police should promptly arrest the High Constable in making these arrests?

Objected to by the Counsel for the accused as being irrelevant, and asking the witness to state why other parties have acted differently from the party accused. Question allowed on division.

A. Of course I cannot account for the conduct of those two gentlemen when they so acted, assuming as I now do that they have acted so. It may be that having reflected over what had passed, they might have thought that the decision which had been given in Court by Mr. Justice was not entirely proper, &c. Our reliance greatly to the decision given, & this case might have consulted with some friend who might have told him that he deserved the property, and this might account for his conduct respecting the order given to the Water Police. As to the High Constable it may be that he was not in Court when the Judge delivered his judgment, hence his refusal to execute the warrant. If Mr. LaMothe had had some time to reflect over the new proceedings that were adopted as above stated, he might possibly upon advice have been convinced that the judgment rendered by Mr. Justice himself was not bar to another proceeding of the same nature under a warrant of one of the Judges of the Superior Court.

Q. When stolen money is in the possession of an officer holding it, until the trial of persons to whom should he deliver it on principles being released, and what regulations should the holder of the money take after the judgment of the Court, to satisfy himself to whom he ought to give it, and when it should be given? Don't you also state the custom which prevails in the Court in the disposal of delivery of stolen money, and to whom it is usually given?

A. According to our laws when a party is convicted of having stolen money, so soon as the trial is over the owner of the money applies to the Court for an order that the money be restored to him, and a demand of this kind being according to law is always granted. If the prosecutor with the attorney is declared not guilty, then the mode to be followed is the following, with respect to the property: viz. the party who lays claim to the money or at whose instance the prosecution was carried on, receives a warrant, process by way of attachment in the hands of the officers of the Court; and if such a proceeding is not forthwith adopted, the money is paid back to the party in whose possession it was found.

Q. At discharge, a party is bound to return the money or property which he has received, unless an order from the Court, has the effect restored to the parties in whose favor the same have been found, or where according to the law by which these persons are bound to apply to the court for an order to the effect that it is in possession of the said effects?

A. As to the party who has been acquitted of a charge of this nature, there is nothing in our criminal code authorizing the Court to make an order that the money be restored. It is left to his civil remedy.

BY COUNSELOR H.D. BROWN

Q. Considering that the 36 Albans Bankers were set acquitted of the charge of receiving and robbing, but were discharged by reason of want of jurisdiction by the presiding Judge, was it not the duty of the Chief to retain the money until the question should be decided on the merit, or without an order from the Court?

A. If Mr. Lamotte had received a proper order not to dispossess himself of the money, it was his duty to obey such an order given either by the Judge or by the parties claiming property in the money.

And further the witness saith not and hath signed,

F. CASSIERS

TESTIMONY OF MR. A. A. DORION.

The Hon. A. A. Dorion, of the City of Montreal, Q.C., was sworn, and examined by Mr. Lafamme, Q.C.:

Q. After his judgment discharging the prisoners for the 36 Albans Raid, was not Mr. Lamotte bound to give up the money if called upon to do so?

A. After the discharge of the prisoners Mr. Lamotte had no authority to retain the money in his possession and he was bound to deliver them over to the parties from whom the money had been taken, unless he received an order from the Judge or Court to the contrary.

Q. If Judge Courtois' judgement was according to law was the warrant issued by Justice Smith null and void, and was the Chief of Police justified in refusing to execute it?

A. I understand Judge Courtois' decision to be that the Provincial Statute of 17th Victoria and that of the 24th Vic. concerning the arrest and extradition of certain offenders, did not bind him if that decision was incorrect. I understand that no legal warrant could be issued for the apprehension of persons accused of having committed a crime in the United States. Under the Governor General's previous powers, under authority of the Imperial Statute, the warrant signifying that a demand had been made by the authorities of the United States for the extradition and requesting all justices of the peace and magistrates to assist them in having them arrested.

Q. Is the Chief of Police bound to execute any order or warrant except those issuing and having reference to the City of Montreal?

A. The Chief of Police is an officer appointed under the provisions of the Act 12 and 15 Vic., chap. 128; he is a peace officer and has power to execute all warrants, the same as the other constables, but he is only bound to act under the directions of the City Council, who have the authority to assign to him the duties which he has to perform. I cannot further answer the question, not knowing what instructions or orders may have been given him by the Council.

CROSS-EXAMINED BY MR. DEVLIN.

Q. You have stated that after the judgement discharging the prisoners for the 36 Albans Raid, Mr. Lamotte had no authority to retain the money in his possession, and that he was bound to deliver them over to the parties from whom they had been taken unless he received an order from the Judge or Court to the contrary; now suppose that the prisoner discharged by Judge Courtois had been tried before him for having feloniously stolen \$100,000 from any of the Banks of this city, instead of from the 36 Albans Bank, and that during the progress of the trial a defect failed to the jurisdiction of the Court was discovered which prevented further investigation, and consequently led to the discharge of the prisoner; do you believe that the officer charged with the custody of the money would in such case be bound to restore it forthwith to the alleged thief, so discharged?

A. At discharge, a decision had been given that the party was innocent, I consider that they, their property, the same being held by me, have an attachment for the money taken from them while arrested and it would be my duty to release as to their right to keep, until attachment whether the money was seized or not, been taken from a bank or from a man, or from a bank and a man. It is difficult for me to express myself, there are probably many situations in our Courts, according to the course of justice, which might arise.

Q. Suppose that it has been sufficiently proved before you that the party claiming the money in question will not afford security of even five hundred dollars, after the rendering of the judgment pronounced by Judge Courtois, for returning the money by the officer holding the go of it, what would be your opinion in case of the delivery?

A. I might have an opinion before proceeding to making the delivery, if not all the judgment as rendered in the question, but having done so, I might make no difference in the right of the prisoner, claim the money immediately upon their liberation.

Q. Do you believe that a person, or other person, bound to execute, having a writ issued for execution, has a right to put in question

the validity of a warrant issued under the hand and seal of a Judge of the Superior Court, and requiring immediate execution?

A. I consider he has no such right, or, at least, it would be a very extreme case that would justify him in doing so; that is, supposing the officer was bound by virtue of his office to execute it.

And further deponent saith not, and hath signed,

A. A. DORION.

The Committee adjourned until seven p.m.

EVENING SESSION.

PRESIDENT—MESSRS. BOILLY, chairman; McGIBBON, Devlin, Leduc, and Labelle.

John O'Leary, Detective Officer, being sworn, deposed, and said:—

EXAMINED BY MR. LAFAMME.

Q. How long have you been connected with the Police Force of this city?

A. It is about twelve years. Since my connection with the force, whenever property was taken from the parties arrested, I never remember a case where a written order from the court was given to me or to the officer to give up property taken from the parties arrested, when discharged by a judgment of the Court. I have several times given up the property upon written orders given by the prisoners to third parties.

Q. Are you aware that on several occasions you have delivered property or money to the complainant in this cause upon a written order given to him by the parties arrested without any order of the judges of the Court before whom the parties arrested had been brought and by them discharged?

A. I have; both property and money.

Q. Is it not the usual and universal practice, to your knowledge, followed with respect to every person arrested by you and discharged by the competent authorities?

A. I give up the money or property on the prisoners giving me a receipt for the same.

Q. Do you remember any particular occasion where you so gave up large sums of money, and if so, state some to the best of your recollection?

A. The last case I arrested was a prisoner accused of stealing \$10,000; he had at the time of his arrest between two or three hundred dollars in his possession; the prisoner's name was John Connors. He gave to Mr. Devlin an order for two hundred dollars; the prisoner, said he was a raider belonging to Morgan's Band; the money was American money, and was sent with him from this City to Toronto, where he was discharged, and his property was given to him without any order.

Q. Do you remember any case where the order for the delivery of the money was addressed to you at the government when judgement was rendered discharging the prisoner, to avoid the apprehension of the money or property immediately after the judgment discharging the prisoner?

A. No, not to my knowledge. There is however a case of one Foulds in which the money was attached in my hand to prevent its being given up to the prisoners. In most cases I got orders for the delivery of the money before the judgment discharging the prisoners was rendered. In some of these cases the complainant received such orders.

Mrs. Lefebvre declared he had no other questions to put to this witness.

The complainant declines cross-examining the witness.

Question by the Chairman—Have you assisted the Chief in making arrests without a warrant and have you alone arrested without a warrant for crimes committed out of Montreal or in a neighbouring country?

A. I do not remember assisting the Chief in making any such arrest, but I frequently myself made such arrests upon receiving telegrams from the Sheriff; generally these parties are discharged; in fact they were all discharged but one.

Question by Mr. Labelle—is it to your knowledge that any former Chief of Police refused on any occasion to execute a warrant?

A. On several occasions the late Chief Mr. Hayes refused to execute warrants from the upper court.

BY MR. MCREADY.

Q. As one of the Police force and a detective, are you aware that, according to the oath of office, he is bound to execute warrants?

A. I am not exactly aware of the precise terms of the oath taken by the Chief of Police.

Q. From the following oath of office being read to you, don't you consider that he is bound to execute any warrant that may be placed in his hands, and more especially one signed by a Judge of the Superior Court, viz.:—

"I, as Chief of Police of the City of Montreal, do swear on the Holy Evangelist, that I will faithfully, impartially and honestly, according to the best of my skill and knowledge, execute all the powers and duties of Chief of Police and Constable, for preserving the peace and preventing robberies, and other felonies, and apprehending offenders against the peace, in the District of Montreal, so help me God.

28th Nov., 1861.

A. I do not exactly know what the Chief should do. And, further deponent saith not, and hath signed;

JOHN O'LEARY.

TESTIMONY OF MR. KERR,
W. H. Kerr, Esq., Advocate, being sworn,

EXAMINED BY MR. LAPLAMME.

Q. As you know all the matters connected with this investigation, please state whether you believe the Chief of Police justified in his conduct with respect to the charges brought against him, and if so, state for what reason?

Objected to by Councillor McCready, on the ground, 1st, that Mr. Kerr having been one of the attorneys who defended the St. Albans Raiders, when they were liberated by Judge Devlin, and being interested in their behalf, as well as their friends, cannot be examined as a witness.

For the objection—Messrs. McCready and McGibbon.

Against—Messrs. Labelle and Leduc.

The votes being equal, the Chairman considered that the evidence of Mr. Kerr should be received.

A. The St. Albans Raid case was not an ordinary case of crime committed within the jurisdiction of our Provincial Courts. It was in fact an exceptional case cognizable solely by certain officials whose powers and duties were in my opinion in the existing state of our law defined by the provisions of the Imperial Statute 3 and 1 Victoria chap. 76.

Under that statute, in order to give jurisdiction to any of those officials, it was necessary that the Governor General should first issue his warrant. No such warrant having issued, the arrest of the Raiders and the taking of the property from them, were both illegal. Consequently the claimants and the Raiders being subjects of States recognized as belligerents, bound each other, on the arrest being demanded by the Judge before whom the investigation was proceeding as unauthorized under the statute, they were entitled to the money and securities deposited in Mr. Lamotte's hands, as having been taken from them by their captors. Had Mr. Lamotte retained that money and those securities after demand by the Raiders or their agent after their discharge thereby rendering facilities to the subjects of the other belligerent to attach the money, he would have acted in an unjustifiable manner and tendered himself liable in damages at the suit of the Raiders or of the Confederate Government.

With reference to Mr. Lamotte's position as the depositary of the money in question, I do not consider that he acted as chief of Police when the money was entrusted to his charge. I am rather inclined to believe that he must be looked upon as the private agent of Judge Courvoisier with reference to that deposit.

With reference to his request for a delay one executing Judge Smith's warrant, I do not consider that he is liable to blame; he had heard but a few hours before the Judge of Sessions who has in this Extradition matter, under our Provincial Statute 24 Vic Cap., 6 if it be in force, concurrent jurisdiction with Judge Smith declare that his warrant similar, as I believe, in all respects to that issued by Judge Smith, null and void, consequently the time asked was not extraordinary, in order to afford to Mr. Lamotte an opportunity of satisfying himself as to its validity. Mr. Lamotte I believe, a magistrate for the District of Montreal, and would not therefore be called upon to execute a warrant issued by any Judge in an extradition matter. He was, moreover, Chief of Police of the City of Montreal; his duty is to attend to the Police of the city, and if he is liable to be ordered away to serve warrants in criminal or extradition cases, it is impossible that he can execute the proper duties of his office. There is an officer attached to our Courts whose special business it is to execute warrants in criminal matters of this kind. That officer is the High Constable, and to him should have been entrusted the execution of the warrant in question. I would merely remark in conclusion that, in my opinion, Judge Smith's warrant is null and void.

Q. Was not the Chief of Police pending the investigation, and previous to the judgment repeatedly notified that in case of the discharge of the prisoners he would be held responsible for any delay occurring in the delivery of the money, and to have the sum in readiness?

A. I can only speak from my own personal knowledge, as I did not take upon myself the task of regulating that portion of the affair. I spoke to the Chief once, and then I told him, I believe, that we must have the money so soon as the prisoners were discharged. I opened the conversation with him by asking him as if I had reference to the production of the money in the course of the examination of witnesses for the defence, how long it would take him at any moment to produce the money in Court, and he then answered me, five minutes. This is all the conversation I remember having had with the Chief on the subject. This, if I am not mistaken, was soon after the adjournment on the 10th of November.

Q. Are you aware of any arrangement offered to the complainant by which the equivalent in value of the money delivered by the chief to the parties discharged, was to be deposited in a banking institution of this city, to abide a judgment of our courts declaring the liability of the chief to the parties establishing their right thereto. If so state it; and also whether the same was accepted or refused?

A. I had a parleyer with Mr. Devlin on the subject, either on Thursday or Friday last; I communicated with the Southern gentlemen who were interested for the Confederate government here, and they authorized me, and Mr. LaFarge or either of us, to make the following proposition: that the value of the notes and securities delivered by Mr. Lamotte, the agent of the raiders, should be estimated by arbitrators at their value; that that sum in gold should be deposited in one of the banks here, and that that bank should execute a bond by which it should become bound to pay over to the plaintiffs in any suit directed against Mr. Lamotte, founded on his delivery of the said notes and securities to the raiders, either the actual amount of the said judgment in principal, interest and costs, or the then value of the said notes and securities, the amount to be paid on the judgment not to exceed in any case the sum deposited. Mr. Devlin told me that he would make known the proposition to his clients, and that if they agreed to it, we should draw out articles embodying the proposition, make an appointment at hour and place when and where I would meet him there waiting. On his arrival at the place appointed, he told me that it was no use, that his clients would not consent to such an arrangement.

Q. EXAMINED BY MR. DETHIE.

Q. As it has been stated that you know all matters connected with this investigation, can you tell me where the chief boy commanding the money in question now is, or what has become of it or its contents?

A. I have not the remotest idea as to where the bank is or who has the money.

Q. You have stated Mr. Lamothé would have acted in an untrustworthy manner and rendered himself liable to damages at the suit of the Confederate Government or the raiders if he had retained the money and securities taken by the raiders from the St. Albans Banks. After demand made upon him by them or by their agent, permit me therefore to ask you if you believe he would have rendered himself so liable, if the Bank in which the money was deposited, being closed at the time of the judgment, he had referred to make delivery until the opening of such Bank on the following morning?

A. Had any damage been suffered by them in consequence thereof, I consider that he would have been liable.

Q. Are you therefore of opinion that notwithstanding it was after banking hours when the judgment was rendered, the Chief of Police was nevertheless bound to obtain the money from the Bank in which it was deposited, before the opening of such Bank the following morning, for the purpose of delivering it to the raiders or to any other person in their behalf?

A. I am of opinion that Mr. Lamothé was bound to have the money in Court during the progress of the whole investigation, consequently I think that he would have been bound to deliver over that money to the raiders on the judgment being pronounced. His depositing it in a Bank was his own affair, and he was bound to get it.

Q. Do you seriously believe that if the Chief of Police had informed the raiders or any one on their behalf, making a demand to him for that money, that he had deposited it in the Bank and that it was after banking hours, and that he could not obtain possession of it until the opening of the Bank on the next morning, that he would have thereby rendered himself liable to those for damages?

A. He falsified that the Chief might have told them, would have relieved him from his responsibility.

Q. In stating that in your opinion Judge Smith's warrant is null and void, act we to understand thereby that the officer requested to execute it was justified in regarding its nullity and in refusing to execute it immediately?

A. I have already given an answer with respect to the Chief of Police which meets this question, I am not here to give a general opinion *qua* all officers, though I do not believe that any officer can be forced to execute a warrant which is null and void.

Q. Have you any knowledge of any arrangements having been made for the delivery of the money before the judgment discharging the prisoners was rendered, and if so state what you know of such arrangements and by whom they were made.

A. I contented myself with telling the raiders, Mr. Sanders and my colleagues that as soon as we opened our defense they (the raiders and Mr. Sanders) must have everything ready at any moment to demand from the Chief of Police in legal form the money and securities. Having so told the raiders and Mr. Sanders, I considered that it was no part of my duty, either to see the Chief of Police, or to draw receipts for the money and securities. I told them at the same time that they should be prepared, at any moment, for a break down in the prosecution, so that these securities and money might be claimed as soon as possible after any judgment discharging the prisoners, and I am not aware of any arrangement save what has appeared in this investigation, having been made for the delivery of the money.

Query by the Chairman—You have spoken very freely your opinion of the duties of the Chief of Police in this matter, are you prepared to say it was any part of his duty to hold private interviews with the Attorneys of the raiders or talk with Mr. Sanders or Mr. Porterfield acting for the raiders, and at their suggestion, remove the money from the place where he kept it, putting it onto the Ontario Bank the day before the dismissal of the raiders and leave it there during the sitting of the Court or to otherwise arrange with them, in advance of the decision of the Court, for the delivery of the money?

A. The question to which I am asked to answer, contains inquiries about so many facts that were it not for a portion of it in which I am asked whether all the acts therein mentioned are not part of his duty, I should be pleased for time to answer it, but *qua* his duty, he was not acting as Chief of Police at the time, in my opinion, and, consequently, no answer is required to the question.

Q. By the same—I am not disposed to accept this as an answer for the information of this Committee in reply to the opinion asked of you by me on their behalf, will you please give such an answer as is expected. If you are not prepared to answer our questions in the usual way of such experts, you will please say so.

A. As the chairman, apparently, has misconstrued my answer I say that as far as Mr. Lamothé had acted within the capacity of Chief of Police on the occasion in question, *qua* his duty, he was not bound to consider his part of his duty, he was being bound to defend them, I do not see that there is anything criminal or morally offensive in his conduct.

Q. Do you not think, when Mr. Butterfield addressed the Chief of Police in the lobby of the Court House, while the Judge was yet on the Bench and the prisoners in custody, for the purpose of claiming the money that the Chief would have been justified in saying to Mr. Butterfield that as much as the Judge did not in giving his judgment, decide that the money should be given up to the raiders, and as a large portion of the money had to have been taken from persons not raiders, the Chief wished for sufficient time to consider the matter and be advised as to where, when and to whom he would deliver it.

A. Decidedly not; had he done so he would have been playing into the hands of the other party. The whole of the money was deposited in Court as taken from the raiders, either by the parties who gave their depositions or by others who delivered to the winners certain sums as having been by them taken from the raiders or found in or about the places where they were arrested.

Q. Is it not a fact within your knowledge, that Mr. Lamothé assisted in arresting the St. Albans raiders in October last, and it such be the case what are we to understand when you say he could not be called upon to execute a warrant issued by any Judge in an extradition case?

A. Mr. Lamothé's authority as Chief of Police did not extend to the District of Edmundston and Thetford, he did not even act as magistrate on that occasion, because his command is only for the District of Montreal. I am not aware that he arrested one prisoner. I believe that he went there merely to assist Mr. Counsel.

Q. Were you present with the St. Albans raiders when the carpet bag containing the stolen money was opened and distributed?

A. In the first place it was not stolen money it was booty; in the second place I was not present.

Query by Mr. McCready.—Do you consider that some steps would have been taken by the present authority in the behalf of Mr. Lamothé if it were not for the fact of his being Chief of Police.

A. I cannot judge Judge Condon's intent. All factors dependant with personal sign.

NATHAN HARRIS.
Chief Philippe, subchief of Police, being tried upon the Holy Exchange bill departed and died.

EXAMINED BY MR. LAFAYETTE.
I am subchief of Police and I have been connected with the force since ten years. I never remember, during all the time I was connected with the force, a single instance where a written order was required for the delivery of money or property taken from discharged prisoners. It was always delivered upon an order from the prisoners or to the prisoners themselves. I remember the late Clinton several occasions refusing to execute warrants from the Courts, because he did not think himself bound to do so, and that it would interfere with his duties of Chief of Police of the City of Montreal, I am aware that the present Chief of Police has expended some money for the arrest of parties connected with Johnson's Island matter, which has never been refunded to him by the Government. And further Dependent with not and had signed.

C. P. NASH.
It being now half-past twelve o'clock in the morning, and the complainant conceiving that a further examination would protract the investigation beyond the time fixed by Council for its termination to-morrow evening, declines all further cross-examination of witnesses, and also believes that no further light can be thrown on the subject by so doing.

The counsel for the accused also declared that he now closed the defense.

The Chief requested to be represented by his council at the meeting of the Council at which the subject matter of this investigation is to be discussed, which request the Committee agreed to recommend to the Council.

Moved by Councillor Labelle.—That the Committee adjourn until to-morrow afternoon at 2 o'clock P. M.

Yea—Leduc, Labelle.
Nays—McCready, McGibbon, Riddell, Ross.
Councillor McCready moved that a report be prepared to the following effect and submitted to Council.

The Chairman of the Committee submitted a report to the effect that the Committee had, in accordance with the resolution of Council, taken the charge of Councillor D. Vulin, against the Chief of Police for his conduct, and directed several days for the investigation of the same. On the 19th inst., however, aable notice was given to the Committee by the Council, to the effect that they had submitted the evidence and the documents laid before the Committee.

This was adopted by the Committee, by the following vote:

Yeas—McReady, McGibbon, Lejeu.

Nay—Labelle.

And it was resolved that the Committee do now adjourn.

SPECIAL MEETING OF THE CITY COUNCIL

CHARGES AGAINST THE CHIEF OF POLICE

THE P. ALBANS RAID

A special meeting of the City Council was held on Friday evening, Dec. 19th, 1908, in the City Hall. There was no quorum of members, and the galleries were crowded with spectators.

The special business of the meeting was the consideration of the report of the Police Committee, specifying charges brought to the effect that the Chief of Police in refusing to execute a writ issued by the Hon. J. J. Devlin to the Bank of Montreal, thereby causing a loss of \$10,000 to the said bank.

The Mayor having called the meeting to order, requested the City Clerk to read the minutes of the meeting at which the charges against the Chief were made, which was done. The author of the accusations had already set well in view that it is only necessary to repeat what they say in the report of the Chief himself, that he had the money deposited with him for safe keeping, i.e., signed, and that he was willing of a discharge slip in refusing to execute a warrant of the Sheriff for the arrest of certain parties.

Alderman RODDEN said that before presenting the report of the Police Committee, he had requested, and had been granted, that he should be heard before the Council by the Alderman. The Committee agreed that he should be allowed to address the Council to say whether it was their wish. It was only for this reason that this permission should be granted, in order that the Council and the Chief might have full knowledge of everything that took place.

Permitting having been granted by the Alderman, Mr. Lathman, Q.C., the Chief's Counsel, sat at the table beside the City Clerk, and Mr. Chitt was also admitted with him.

Alderman RODDEN then said that, as chairman of the Police Committee, he had with him copies of their final report and a motion to the effect of the same. It was not necessary for him to go into any further detail. He would be prepared to do so as soon as the report was read.

The report was then read, it being to the effect that the Police Committee had carefully and impartially investigated the matter in accordance with the directions of the Council at the end of the 13th inst., and that being unable upon any recommendation upon the merits of the case, they had determined merely to present the report of the proceedings, so that the Council might take such action as they thought fit.

Alderman RODDEN moved, seconded by Lejeune, that the report be received.

Alderman RODDEN said that it would be sufficient matter for him, and the second motion to adhere to the rule with respect to ten minutes time allowed to each speaker, hoped that in an important matter of this kind, that no one might be suspended.

An understanding having been come to on this question,

Councillor LABELLE said he thought it was part of the whole of the proceedings that before the Committee should be read before any discussion took place. The reports in the two papers could not be taken as authentic.

Councillor DEVLIN stated he would not insist upon such a course. Every member had had communication of the evidence, it had been published in the newspapers day after day, and Mr. Lathman, the counsel for the accused, had put wish to have it read, nor did those interested on the other side. It would take two hours to read the evidence, and if that were to be done, it would be better to postpone the discussion until another evening.

Alderman RODDEN said that all the evidence, except a small portion of the previous evening's sitting of the committee, had been printed in the newspapers. That portion which had not been published ought to be read.

That part, namely, the evidence of Mr. West, Sub-Chief Naige, and Detective Officer, was then read in English and French.

Ald. RODDEN then said that the charge under consideration that night was one of the greatest importance, not only to the City of Montreal, but to the whole Dominion, from one end to the other. Therefore he might as well if he dwelt at some length upon the evidence which had been laid before them. In the first place, a charge was made by a member of that Council, and the police of that charge was that there was dereliction of duty on the part of the Chief of Police, and that there was dereliction on his part in directing himself of the money placed in his hands for safe keeping. Another charge was afterwards made of that officer having refused to execute a warrant of a Judge of the Superior Court. To these charges the Chief simply replied that he did not receive the money as an officer of the Corporation, or as Chief of Police, but merely as an individual; that he did not possess himself of it in an improper way; that he did not refuse to execute the warrant, but merely asked a reasonable time for reflection, and that he was not bound to answer to the

charges for those reasons, as they involved points of law which could only be decided by a court of justice. This being put to the Committee, it was voted that he had received the money in his capacity as Chief of Police, and that they were to proceed with the investigation of the case, at the same rate of pay as appropriate to a constable, and that he should be kept in the pay of the City Council. Mr. Rodden, then got up and said that in writing the evidence of the officers, he had been told by the Commissioner of Police, that he was bound to make it available to the Mayor. The Commissioner of Police, Mr. Devlin, and Alderman RODDEN, said that there was general feeling among the officers in the City to the effect that it was necessary to call attention to the fact that the officers were being offered very large amounts of money to give up the money in the pay book. Mr. Rodden thought the bulk of the officers would know that this money could not be kept back, but that it would be necessary to show at what time it was paid, and that the officers would be compelled to make a statement before the Mayor.

Mr. Rodden then said that, after the judgment of the court, it was decided to hand over the \$10,000 to the City, and that the Mayor would have been the most suitable person. The City Clerk, however, thought he was obliged to do it in getting a reprieve, and that he had no right to do it, as providing legal advice is an order of delivery the Mayor of the City of Montreal. There were the members of the council who decided that the Mayor would be the most suitable to do it, as far as point that might be raised. The officers who would be affected, however, were not attacked. He was specially tried of the offence. He had been working at it for several days, and was anxious to get out of it as quickly as possible.

There being no objection, Ald. RODDEN said that Mr. Lathman had not a right to be present before the Mayor. Ald. LYMAN moved that the Chief be now removed by the Mayor. Ald. RODDEN said it was not the understanding that Mr. Lathman was to speak at that time.

Councillor McKEEADY, a member of the Police Committee, could say that the understanding was that Mr. Lathman should address the Council behalf of the chief, and then withdraw; that he should not have a right to reply after the discussion in the Council.

Alderman and council discussion then followed, the members of the Council occupying themselves until 11 o'clock in arguing the simple point as to whether the council for the accused should be heard before or after the Council who had made the complaint, and a motion was made by Ald. RODDEN that he should be so heard. This was seconded motion by Councillor Devlin and carried, and attempt to dictate to the members of the Council at which they should address the Council, a proceeding which would not be submitted to. Alderman Hulme moved in amendment, seconded by Alderman Lysmer, that Mr. Lathman be heard at once, and a further lengthy debate ensued, it being decided on one side that in no Court of Justice, and the practice prevalent of allowing the accused to speak first, to reply after the council for the prosecution had concluded; and on the other that the charge was not in question, and was transposed by the controller who made it. Ald. Lysmer found that the whole investigation had been full of scruples from the very commencement, and of difficulties not a few. Ald. Lysmer repeated the charge and denied that there had been any malice in doing so.

The role being taken of Alderman Hulme's motion, it was decided in the negative as follows:—Yea—Bulter, Gervin, Beeton, Lyman, Denison, McCready, McTillson, Devlin, Stevenson, McNaull, Boyle and McGuigan—12. Nays—Lejeune, Bellamine, Gomber, Constant, Martin, Thompson, L'Amour, L'Heureux, Goyette, Rolland, David, Higginson, Labelle—15.

Finally, at this in order, the MAYOR ruled Ald. Hulme's motion out of order, and the discussion was then closed.

Councillor RODDEN then offered the following resolution, seconded by Ald. BELLEMARE:

That this Council having taken cognizance of all the proceedings of the Police Committee, in reference to the investigation made by them into the charges made by Councillor Devlin, against the Chief of Police must declare, that it assumes no responsibility in the acts which are the matter of these investigations and is of opinion,

That during the whole course of the investigation into the conduct of the said Chief of Police, no proof whatever has been adduced by which an well known reputation, as an upright and honest man, can in any wise be tainted or destroyed, nor the well earned confidence placed in his honor by this council and the public generally lessened;

That in the absence of any such proof the first charge brought by Councillor Devlin to the effect, that the Chief of Police had, on the 19th day of December last, without authority and by design, spent a sum of money amounting to between \$20,000 and \$30,000, which

was placed in his hands for safe keeping, to await the result of local investigation, which gave of course its full charge to the City Police to search for him or persons who had the information of the crime and to find the last and final abode of the person from whom the seal was taken. A man who has been a member of a local band of revolutionaries. That band was easily identifiable under the popular organizations under which he was in either of the parties to the revolution, and it was therefore left him to answer.

...and a person of this nature, it is NOT competent for this Court to consider but should be brought before a Court of Justice for determination;

That while not giving the appointment as the Collector
manager with which the City of Pittsfield has agreed
to this execution, His Council deems it its duty,
however, to state that according to the opinion expressed by nearly all the eminent men learned
in the law, who have given their evidence during
this investigation, this is existing in the conduct
of the City of Pittsfield in this case, which is contrary
to law, and that, moreover, it has been
proven that the Chief of Police, before acting as
he did, had taken previously the advice of com-
petent persons, which advise he had received the
advice and of Edward Clapp, Clerk of the
Court, and more especially that the said Chief
of Police had consulted with Mr. Horan, Judge
Learned, who deposited the money in his hands,
and who told him formally that the City of Pittsfield
should deliver up the money to the plaintiff in
cause that they were discharged, unless he received
an order to the contrary, which order was never
given.

That the second charge brought by Commissioner Devlin, to the effect that the Chief of Police had refused to execute a warrant issued from the Superior Court, is not founded, inasmuch as there is no prospect that the Chief of Police has refused to execute said warrant; that it had been proven, on the contrary, that the Chief of Police only asked a delay of three-quarters of an hour in order to take advice from competent persons as to the course he should pursue in such an exceptional case—a similar case never having come before him—and warrants of the Superior Court being officially entrusted for execution to the Chief of Police. And whereas, under those circumstances, the Chief of Police was justifiable in asking for a short delay.

Be it therefore resolved that the services of the Child of Peter be not accepted by this Council, and that he be invited to continue the duties of this office with the same zeal, activity, and integrity as heretofore.

ALBEMARLE BULWELL said that he had hoped the question was fairly before the Council. His Worship would direct Mr. Lathburie, if he had any remarks to make, to offer them at once.

Mr. LAFFAMBLE said he was ready to proceed and went on to express his great astonishment at the events narrated in so grave a matter by the gentleman who had made the complaint, in declining to come forward to support it. Now was that that gentleman did not rise and support the grave accusation he had made in order to give to the party in case the only opportunity he could have of answering the charge? If this were the defense taken when the accused went before the Chief was charged with having dispossessed himself of the money "without authority and by force." This was a statement which I do

"sign." What design? Well, it had been agreed that judges had been requested to lie who would like that these judges had been pointed at. Nothing but a fair defence had been offered to that hokum of. When the party selected had called upon, he made the plainest statement he could. He said the master was one "over whom the council or police committee could have no jurisdiction whatsoever." That was certainly the question that ought to be taken up when the thief also said that he never received any money as an officer of the corporation, but that he was entrusted by the judge of the Sessions with a certain amount of notes found upon two persons of certain parties arrested under the suspicion of having stolen the same. Was that not a fact? Could any one say he received it as an officer of the corporation? if he acted as an officer of the council they were bound, and it was their duty to have ascertained that fact first, because if he did not, it was not for the council to investigate the matter. Then the chief said that having heard the judgment of the court discharging the prisoner, he felt himself legally bound, advised as he was by professional men, to restore the money immediately. The correctness of this course had not been impeached, and no legal man could he brought to do so. Then having been requested by the discharged parties to deliver to them the money, he did so under the impression not only that he had a right to do it, but that it was his duty to do act, as there anything more precise than this decree. Then he said he had no verbal statement to make. He (Mr. Laffan) would like to know what any one else would do under similar circumstances. Was it surprising or a matter of surprise that the Chief of Police, finding a man of legal knowledge, perhaps the best educated in criminal law at the bar, should refuse to make a verbal statement, or proceed any further without a lawyer? Was not the accusation one that got

There was no one in the Legislature that other citizens were dangerously wounded while very many narrowly escaped the same fate. The robbers and their leaders had been compelled by their will to do so, but it was impossible to this Plaintiff. So, until now, he has been compelled to live in constant fear, exposed to the consequences of his conduct, and bound at the disposal of the law and the authorities. There is nothing that can be done for the sake of the criminal law, but to prove that in a very short time thirteen of the men who were made prisoners of war, and whom were immediately released by the U. S. Government. As far as either the criminality or their activities are concerned, before Mr. Justice Gould could do this investigation it was proved that a sum of money amounting to \$100,000.00, a part of the proceeds of their business committed on the 1st, was found in the possession of the robbery. This sum was identified by the robbery of the plaintiff as being present in the possession of Mr. Levesque, who was in Court with them when they swore to the fact, orally under the order of Mr. Justice Gould, it was placed in the hands for safe keeping. How well it kept will hereafter appear. The investigation proceeded and after the expiration of a month spent in the examination of witnesses, the equity into one of 100 robbers committed by the plaintiff, in the robbery of the St. Albans Bank, was declared closed. An application was then made on their behalf for a delay of time, so as to enable them to obtain evidence from Richmond, which they said, was necessary for their defense. This delay was accorded by Judge Gould. But such an application to the Council for the remission should not go, they so desired it, to require to adduce evidence in support of the remaining six charges pending against them, not until the St. Albans Bank case, the only one then before His Honor, had been fully heard and determined upon its merits. And it is well known that immediately upon the rendering of this judgment I was in my place in Court, and in language that satisfied no one but myself, stated to the Judge that we would prosecute with any other witness than that of the St. Albans Bank before his final determination upon our needs. This was agreed to be open both sides, and confirmed by a written judgment of the court. An adjournment, the 13th day of this month was then ordered. Upon which day the Court was adjourned. But instead of hearing witness for the defense, as had been previously agreed by the Plaintiff's counsel for the prosecution, to their agreement, found that a charge had taken place in the order of the proceedings. The said charge was that we were deliberately and unreasonably called upon to bring a question concerning the due course of the law to follow up my negative, I said, that the learned gentleman with whom I was associated attached too much importance to the objections of the prisoner's counsel, and in fact used them as a means resorted to for the purpose of obstruction and delay. The question raised, however, taken in defense by the judge, announced that he would give his decision at 6 o'clock the same day, which was by him afterwards postponed to three o'clock. At three the judge came into court, and said to the astonishment of the Plaintiff's counsel and the counsel representing our government, maintained the objection of our legal opponents declaring that he had no jurisdiction, and ordering the discharging of the prisoner, not only in the St. Albans Bank case, which was the only one he said he would take notice of, but to our amazement from the six other pending charges, notwithstanding that he had exonerated himself, by his own judgment, up to consider them, or in any way proceeding with them, or refer to them until the St. Albans Bank case had been fairly heard and determined upon its merits. Mr. Attorney, what I told when that judgment was pronounced, it is unnecessary for me here to repeat, as it is not the judicial conduct of Judge Gould that we have to deal with, but the charge preferred against the Chief. Having brought my narrative to the time when the delivery of the money by the Chief took place, I will now briefly inform the Council of the means adopted by him to put it out of the power of the ultimate enacts of that money to obtain its destination. From the evidence of record it appears that in some way or other it became known to two prisoners and their friends, that they (the prisoners) would be discharged on the last day of this month. Acting upon this information it appeared, beyond all doubt, that Mr. George Sanders had communication with the Police, and that upon the day before the judgment was rendered he accompanied and to the office of Mr. Porterfield, a Southern gentleman, for the purpose of making such arrangements with the latter as would enable him to lay hold of the money the very moment Judge Gould pronounced his judgment. It is further proved by Mr. Sanders himself, that soon as he introduced the Chief to Mr. Porterfield in the room. He was asked by me "Why did you do so?" And with great frankness he replied that he did not want to hear the conversation that took place between them, so that if he were afterwards called upon as a witness, he would be in a position to

COUNCILLOR DAVID thought there was no question of Meant, it who did not regret the occurrence of the St. Albans raid, but if a general trial and therefore was not the question before the Court. The question was, in reality, whether the Council had sacrificed an officer whom they had been bound when leaving London without any secret service and whomsoever it everybody acknowledged he had been guilty of desecration and probably treason in delivering up the money in question, after his judgement had been pronounced. The Council proceeded to review the principal points of evidence, justifying the course of the 3rd Regt throughout. It was the true number were Meant and a national question. But what? It was the French Canadians that thereby incurred suspicion did so. COUNCILLOR DAVID had said that it was evident the thief's contact to the H. M. Government at London coincided, and with reason, that he had both intended escape and refuge in a Canadian Colony. How could they think so, when their own efforts our Government was making to intercept the rest of the raiders, and partly the information already thrown in the case—how could they say so when none of you knew what direction would be made by the party? Again struck him but little interest? As to the Chief Refusal to execute the warrant of arrest, had not COUNCILLOR DAVID shown that the preceding Officer had refused to execute warrants? and why, except upon national grounds, was Officer LACOMBE blamed for acting similarly? He was certainly entitled to three-quarters of an hour for consideration before executing a warrant concerning which a Judge had but a short time previously declared illegal. (Hear, hear.)

A.M. BULMELL said it was not because Coloured lawyer had come here and made an eloquent speech for the defence that the "Council" should, in this matter, allow due to be done. He noted his eyes, so as to be blinded in regard to a simple question of right and wrong, or as to the real facts of the case. The Counsel for the accused told them they were moved to their personal action against him by their fears as to consequences, whilst COUNCILLOR DAVID charged them with a desire to make a personal matter of the question.

Cochrane (DAV) (D-1) don't say you do.
Ald. HILLIER said he was not influenced by either executive, but by a desire for British rule plus, which he expected to give him no concern by either Canadian or English. He would appeal to any member of the R.C.M.P. in this class, it would stand to be in favor of suspending the Chief by their vote, to the election. He would not automatically stay in private, God help him feel satisfied with the leadership, except in giving up the money in the treasury of course. He (Ald. H.) had yet to hear that any one of these, and had yet to hear that any one of these, would say probably the C.I.D. had no right. The facts were brought down. The evidence clearly showed that the claim made to the C.I.D. for the "right" to design was not true. It was not given that he had received any reward therefore. But he, and his Ald. (D) was asked if that if the C.I.D. claimed "by design" designed his sympathies and friendship for the Indians to get him in a position he might not to occupy. What was the fact? There was a great discrepancy in the evidence, which he was surprised, a long time past, he had noticed, with reference to the time at which the Chief had had a conversation with the Judge of the court, in reference to the disposal of the money in excess of the Indians' demands. The Judge deposed that he, and his lawyer, had a conversation with the Chief on the subject; while Somers swore he spoke to the Chief on the Thursday before the judgment, or only four or five days previous thereto, and also on the Friday following, and that it was on the Saturday preceding the very time date before the judgment, that Mr. Ulmer (John Sanders) this having just completed his tour of Mexico, Canada and United States, had told him to speak to the Chief on the Thursday before the hearing. When he enquired that instant had taken him back to Peterborough, and that there it was arranged the money should be placed in the Ontario Bank, and when he asked that the Chief had been given full and open previous to the judgment, what it was going to do; when he knew the Chief had given a receipted letter [sic] was given to him the honest Mr. Lannan [sic] that he would not give the money without an order from the Court, what could we think of Mr. Lannan's conduct in proceeding that the money should be ready at the bank on Tuesday; and when on the delivery of the judgment Mr. Fletcher, whose name was at the bank, should be the best to leave the court and meet Mr. Lannan in the passage and immediately give him the order for the delivery of the money? Was that fair play? It was well known that Mr. Lannan found himself in a difficult position. He trusted legal advice, and where else go for it? It was ridiculous to think he should have gone to the Attorneys for the Indians therefore. All things considered, he agreed to this (Ald. B.) that the Chief acting very injudicious manner, and "by design," this matter; and that he gave up the money to the wrong person. He tried to make out that he was not, in this advice, acting as an officer of the Corporation. But if not, whose officer was he? Judge Gowan stated he gave him the name of Chief of Police. If he wanted legal advice why not have gone to the proper quarter, the attorney of the corporation or the Mayor? He didn't do so, however. He (Ald. B.) most reluctantly conviction that by the Council adopted amendment, Bishop's amendment, Montreal, and its representatives, would be endorsing either of the Chief and that of the Indians who would be very unfair for 13 members to put this in this particular. Whatever the result, he would vote against the amendment, but he regretted being compelled to take this stand as regards Chief Lannan; but in a case of this kind, private feelings must give way to a question affecting the public interest.

BODDEN could not give a silent vote on the question. He desired to correct an impression that, right or wrong, he was determined to work the Chief out of his situation, leaving it for himself. (Laughter.) The Commissioner submitted a report like this, didn't know (Mr. Bodden), or designlessly misrepresented it. He did nothing any such wish or intention, furthermore, he had a better business, and one deserving of his attention. The Alderman proceeded to comment upon the sufficientness of the case from the appointment of the Committee to conduct the investigation, to reply to some of the arguments for the defense, contending there was evidence of the Chief having acted by design, and expressing the belief that none could question that he had allowed himself to be drawn into a net by his friend, Laflamme, one of the members of the rascals. (Laughter.) Mr. Bodden could not overlook the sentence contained on the 25th page, given by him, to the effect that if the prisoner brought before the Court was discharged, Mr. Bertie was to take the boy out of the Chief's hands, and he would not resist. This was very fast and loose, and sufficient to justify an allegation of design against the Chief. The Chief found himself placed in a difficult position, the party for the defense got the soft side of it, and induced him to leave the money in the box, in order that it might be more easily recovered. If design was not proved by this portion of the evidence, what proof was wanting? Another question was that of delivery. In this there was clearly a design of depriving the real

protection of the money. If the design had not been carried out, the money would have been seized, and the Chief's friends, among whom was Mr. Estcourt, would have retained their hold, in regard to the execution of the warrant, as Mr. Estcourt had informed Mr. Estcourt, at this time, that he intended to wait the first trial, and come to Mr. Estcourt's house, to demand his full rights to the money as I and others had done. Upon this, by the evidence of Mr. Estcourt, that the Chief was very simple, or the effect that he was not going to make any other than a lighter way out of it. Mr. Alderman Rodden was astounded at Mr. Estcourt's conduct, and attempted to draw out all the facts in their eyes. What were the exact objects of the Chief's wrongdoing at the Provost with his men, he had only to go to Porters' Hall to procure both parties and satisfy. Mr. Estcourt had endeavoured to avoid that in a series of legal arguments as to the liability or non-liability of the Chief. The City had recalled the Chief of Office, (the Alderman) for a trial through the court. The Chief, however, failed to secure all the documents obtainable, but he had still no reason to be afraid.

Alder. CANTERBURY was not under oath.
Ald. RODDEN.—The Chief, as chief, was bound to exert the best of his judgment in performing his duties. In Porters' Hall, but on many occasions he had left the master. Some time ago, on a man's telegram, he walked into an hotel, and secured a room, a table, and a seat. He left the master there because he had no desire, but in the presence of those he had passed before, he had a desire. On the Chief's telegram to him, he (Ald. R.) had felt great pleasure in repaying all confidence in him, directing and assisting him in the management of the City. He had felt this confidence until 12 months ago, when circumstances occurred which led him to believe that the Chief was weak, and liable to be imposed upon, and to be led out of the hands of the Committee into those of designing persons. There was only one thing more, a question had been brought up that evening, and he regretted it as introducing sectional feelings. As for himself, he was not influenced by sectional feelings, as he believed justice ought to take precedence of them; and he is at all times anxious in fairness. But he most respects a gentleman which has full a master by observation. A Friend, making a remark to another, which was not, however, intended for the speaker's ears, had said, "We must let our co-parties be satisfied, though we know he has done wrong." Was it possible it had reference to that? The remark that he had had had to believe that a member of Council had been sent on to the Committee of the Council to go with his French Canadian Friend. What follows? One gentleman sits down, writes a motion, but does not what it is to be seen in his hand-writing. Some gets to the move to invent, re-copy, and it is presented as a production of a Councillor of the same ward, while, in reality, the author is a Councillor of St. Mary's Ward. He would not dwell further on this subject, but enter largely against anything like getting up a patched-up case to save the Chief. He (Ald. R.) stood there to his duty faithfully and honorably. The Chief, Lancashire had thrown down the gauntlet. He had told the Committee they had no right to employ him in his capacity. But when this amendment, he would soon be independent of the Committee, and not only he, but the 100 men, with bayonets, under his command. The Council must allow by its wisdom that they know how to manage each man, and wisely direct their police force. He (Ald. Rodden) had no objection to derive the mover of the motion put in his hands by another member of his right to supply, and could not then bring forward a motion to accept the Chief's resignation. By an opposite course, they forced the Chief to certain power, and were doing him a manifest injustice. If he was capable of filling a better position than that of a mere Chief of Police, with some 100 or 120 a year, his friends, which he had thus served, would no doubt provide him with a better. The Council, out of respect to itself, might accept his resignation. (Hear, hear.)

Mr. LYMAN then rose and said he had one or two remarks to make. He might say that even if the Council did not do what they wanted the Club by reason of its position would be forced to act in accordance with the wishes of the Club, which would probably be the same as his own on the subject. Mr. FORTIN then said that he had no objection to be present at the meeting and would go with the majority of the members of the Club, who were many more numerous than the members of the Club. Mr. LYMAN then said that he was sorry that the Club had not been able to get a sufficient number of members, and that the Club would have to depend entirely upon the members of the Club for its support, and nothing could be done to help it along up to Mr. FORTIN's suggestion. He then said that he had no objection to the Club holding a meeting at the necessary expense. Mr. LYMAN then said he was a member of the Club and had been given before the meeting a copy of the Constitution. It was a remarkable fact of the Constitution that the Council would be compelled to act in accordance with the will of the Club, whereas he did not understand it.

WILSON, L. C. (EDWARD) *Principles of psychology*. 1925.

On the 1st of January 1863, the author was 15 years old.

Delegates from all parts of the country voted for it. The people would not be likely to vote for it again. Delegates from all parts of the country voted for it again.

The young people take up their abode in the city every winter....

It was also resolved by Mr. H. G. ECKERSON,
as follows:
That the sum of \$100 be paid to James

The following list is the list Wednesday evening last at 7 o'clock.
Councillors in following division:
Avon-Mount, Boulanger, Gervais, Rolland, Lefebvre,
Desmarais, Gagnon, Mc Giffen, Dutil, James-
son, Stevenson, Mc Nevin, Bowes, Blatchford
&c.
Satin-Lambert, Belanger, Grenier, Constant,
Maurice, Pigeon, Labelle, Goyette, Rolland,
David, Hébert & Lévesque.
The Council then adjourned until three o'clock
A.M., November 1st D. Wetherby pres.

CITY COUNCIL PROCEEDINGS.

ADJOURNED SPECIAL MEETING IN REFERENCE TO THE CONDUCT OF THE CHIEF OF POLICE.

A meeting of the City Council in reference to the conduct of the Chief of Police, in regard to the delivery up of the money of the St. Albans Bank, was held last evening. There was a full attendance of members, and the galleries were crowded.

The motion made by Councillor Higgins on Friday last, and seconded by Alderman Hepplewhite (exonerating the Chief and resolving that his resignation be not accepted) was read by the City Clerk.

Councillor Stevenson then moved an amendment, seconded by Councillor Bowie—That all the words after "that" in the main motion, be left out, and the following substitute: "This Council having duly considered the evidence, produced in support of the charges preferred by Councillor Devlin against Guillermo Lamotte, Chief of Police, hereby declares its opinion that the Chief acted precipitately and injudiciously in giving up the money intrusted to his care, and although nothing has been shown to warrant the Council in believing that the action partook of design or corruption, yet nevertheless taking all the circumstances into consideration, if it is deemed desirable accept the resignation of his office tendered by Mr. Lamotte, and the said resignation is hereby accepted."

Coun. Stevenson said that he had intended speaking to Coun. Higgins's motion, but as he did not consider it desirable to prolong the discussion he would merely submit his amendment.

Coun. Constant asked Coun. Stevenson to support his motion if he had anything to say in its favor.

Coun. McGready thought it was in the interests of all parties that no further discussion should take place. Every member had made up his mind as to how he would vote.

Coun. Stevenson was also of the same opinion. His motion was very plain and explained itself.

Councillor Bowie, as seconder of the amendment, thought he had a right to say something on it. The case had been a blunder from first to last on both sides. He found fault with Councillor Devlin for bringing such trouble on the Council, for if any one was to blame it was that gentleman. He was engaged in it as attorney, for the St. Albans Banks; he knew the money was in a certain place, and why did he not attach it? He was no doubt sorry now that he did not perform that part of his duty. The dependence he placed on the Chief of Police had been dearly paid for. The Chief was in duty bound, as an officer of the City Council to have come forward to the Mayor of the city. He did not know what to do with the money he had in his hands, but if he had gone to the Mayor the latter could at once have handed him over to the Corporation Attorney who would have advised him. But instead of doing that he went to the attorney of the raiders, placing himself in the lion's mouth. The speaker then went on to review the facts of the case.

Alderman Lyman thought that if the members of the Council reflected on the question they must come to the conclusion that the charges preferred by Councillor Devlin had been fully proved. The question was, that without authority and by design, the Chief had disposed of himself of a large sum of money, stolen from the banks of St. Albans. The Attorney for the accused tried to make out that this was a legal point. He (Coun. L.) did not think it was. It concerned the conduct of an officer of the Council and the Council, consequently, had the right to investigate it. They had been told that there was no proof of any consideration having been offered taken by the Chief. He (Councillor L.) did not expect, nor did any one else, that any such proof would be made. In all such cases there were many ways of making things pleasant. In Parliamentary elections there were many such things. (Of course City Council elections were pure.—laughter.) It appeared that on the Thursday previous to the judgment the Chief met Mr. Sanders at the Ménage Hotel. The Council might suppose that the conversation had been in relation to the interests of so much interest to them both. It was also very clear that Mr. Sanders on calling upon Mr. Lamotte must have alleged some rea-

for it. They might suppose that Mr. Sanders told Mr. Lyman he that if the money were as he (Mr. S.) handed, it would be safer than if it remained in those of the "Inasmuch as he (Mr. S.) was no "notorious." Therefore he (Mr. L.) would take the Chief to a gentleman in whose hands it would be safe. Now did not this look suspicious like design? How why such plotting? From his (Ald. L. L.) experience, he believed that all men were actuated by some motives in their conduct. It was very plain that Mr. Lyman went with Mr. Sanders to deliver up this money. Was this not design? What reason did Mr. Sanders allege for the interview, with Mr. Porterfield? Why he said he thought Mr. Devin was so very smart that unless prompt action were taken the money would be seized. Was not this design? If there had been no design what would have been the conduct of the Chief? It was a very important matter, and it would be supposed that he would consult his attorney. But instead of that he consulted the very man most interested in his delivery. He (John L.) must say the Council would be going very far from their duty if they failed to record such a decision in this case as they would not be ashamed of hereafter. The counsel for the accused tried to make it appear that the Council were acting under some feeling of fear. Coun. Lyman looked at the paper in a different light. It was an important case. There was no threat held out; but they were there to do justice. The impression created here and in the neighboring country by what had occurred, was that there was some collusion or design. He certainly should not be in favor of whitewashing the Chief of Police in this matter.

Alderman Redden would only say a few words in reference to the resignation of the Chief. The previous motion was so worded that he could not conceive it possible that the Council could pass it. He felt that many of the Chief's best friends would have opposed it, as if passed it would place him in a very difficult position, one in which he would not have the confidence of the community. He thought their only course would be to accept the resignation. There was some talk, he believed, of an adjournment. But they were all prepared to vote one way or another, and he thought it but justice to themselves and the public to dispose of the matter at once. The adjournment was desired because a member was absent, but then another on the other side was absent also, so that the vote would not be altered.

Alderman Constant followed, contending that every one was liable to mistakes sometimes. He also attacked Alderman Lyman whom he characterized as an ignoramus of the first class. If he (Ald. C.) was in the minority, he would withdraw the commission Ald. Lyman held. He had no confidence in him.

Alderman Rodden rose to a question of order.

Councillor Devlin thought it would be better to let Councillor Content exhaust himself.

Quartermaster McCready thought it was better to let the men off. It was coming up freshy.—
(Laughter.)

Councillor Content after some further remarks moved, seconded by Councillor Lodge—That the consideration of the question now before the Council be postponed until Tuesday, Jan. 3rd.

A somewhat lengthy discussion ensued on the question of adjournment, it being strongly opposed by some and supported by others.

Alderman Bulmer pointed out that Councillor Stevenson's motion was not for the discharge of the Chief, as Councillor Content stated, but

The Chair, as Councillor Content seemed to understand, but for the acceptance of his resignation, which it was to be supposed was offered in good faith.

Then when Alderman Constant was speaking, he had the opportunity of answering some remarks that had been made in regard to him by Alderman Constant. He, Alderman Lyman, had never said he had been in the Council made any personal attacks upon any of the members, and it was only the attribute of a low and uneducated man to depart from the merits of the question under discussion and make a personal attack upon any member of that Council. He said, Alderman Lyman, did not require any certificate of character from Alderman Constant. He continued

that the adjournment should be with pleasure,
and that discussion should be allowed to continue in order that the excitement in the public mind might be allayed.

Ald. Constant said it was for Ald. Lyman to go there and give him such a name as he had given him. He thought that he (Ald. C.) regarded himself as much as Ald. Lyman did. That member always thought he was the greatest member of the Council. Well, he was a great member to swallow all the money of the city without coming before the Council. He never heard him (Ald. C.) call any member of that Council such a name, and it was a shame for him, an old man, to speak so. He hoped it would be the last time, for if it was not, by Ald. C. would make him swallow something he could not like. He would ask Ald. Lyman if he would not sign the acceptance manifesto.

Coun. McCready availed an oration in the Council, rose to a question of order.

The Mayor said the discussion had been allowed to proceed on the question of adjournment and he could not stop a member now.

Alderman Lyman said he indulged in no personal discussions.

Alderman Constant—No, but you grossly injured him. He repeated that Alderman Lyman was not sincere for the English Government. He would soon go over.

Alderman Devlin thought Alderman Lyman had done enough at stake here to keep him here. Not to be deprecated this sort of discussion.

Councillor Devlin trusted the motion for adjournment would not be carried. If it was people outside who would look upon them as a parcel of men, who after several nights discussion, could not arrive at a conclusion upon a matter so plain. He thought it due to themselves that they should dispose of the matter one way or the other. It would seem as if they were afraid to dispose of the matter. He regretted the personal allusions that had been made. As regards Councillor Bowie's, all he had to say was, that his clients approved of his (Mr. D's) course, and therefore, he would not suffer from Councillor Bowie's severe castigation.

After further discussion of an irregular kind, threatening considerable confusion in the Council, as well as in the galleries, the vote was taken on the motion for adjournment, with the following result:—

Ayes: Leduc, Higginson, David, Rolland, Gariépy, Labille, Lamoureux, Poupart, Martin, Costant, Grenier, and Léveillé.—12.

Nays: McGauran, Bowles, McNevin, Stevenson, Devlin, McGibbon, McCready, Donovan, Lyman, Rodden, Gorrie and Culmer.—12. There being a tie,

The Mayor said that in giving the casting vote he thought it right to explain why he voted in the way he intended to do. The proceedings in regard to this affair were now being examined into by three Judges in the Superior Court, and it would be well that their decision was known before the Council proceeded any further. If the city was responsible for the conduct of the officer, and that officer had acted illegally, then the city would be responsible for the money, and he believed that there was not one citizen who would object to being taxed to pay it back to the banks; and if the Government was responsible then the Government would repay it. The Government would abide by the decision of the three judges.

At this point of his Worship's remarks, Ald. Lyman endeavoured to make an explanation, but the uproar was so great that he was obliged to sit down. We understand that he wished to point out that the matter was not before three judges, but one, and that the question of this money was not before them, but merely a matter of some \$400.

The Mayor proceeded to say that if the money was given up illegally, it was only justice to the Banks that it should be refunded.

The Government would be ready to decide the matter after the decision of the Judges, and the Council

should not discharge the Chief until the Courts had pronounced upon the question.

Therefore, however that full justice might be done, he felt bound to vote for the adjournment of the session to give time to the Courts to decide.

The Mayor's decision was received with cheers on the one side and disapprobation on the other.

Ald. Lyman again endeavoured to rise and make an explanation, but many of the members left their places, supposing that the meeting had not been adjourned, and amidst the uproar the Mayor left the chair and the meeting broke up.

CITY COUNCIL PROCEEDINGS

ADJOURNED SPECIAL MEETING IN REFERENCE TO THE CHARGES AGAINST THE CHIEF OF POLICE.

An adjourned special meeting of the City Council was held last evening. His Worship Mayor Beasley in the Chair. There was a full attendance of members, and the galleries were crowded with spectators.

ANSWER OF THE PRESS.

Before proceeding to the general business of the evening, Councillor Stevenson asked permission to present a petition signed by a number of the electors of the West Ward, stating that some of the representatives of that Ward, Ald. Dunn, was said had been for seven or eight months absent from the Province, and that consequently they had during that time been unrepresented in the City Council. His Honor having legally, however, vacated his seat through illness, the petitioners prayed that the Council would take steps to ensure their being properly represented.

Laid on the table.

THE CHAIRMAN OF THE COMMITTEE.
The Mayor then stated that the business before the Council was the consideration of Councillor Stevenson's motion of the previous meeting, for the acceptance of the resignation of the Chief of Police.

Ald. Cartant moved, seconded by Councillor Devlin, that the consideration of the question be postponed until that day three months.

The motion was supported by the mover and seconded on the ground that in the meantime the Courts would have disposed of the case before them, and that the Council should await their decision before taking any action in reference to the Chief.

Councillor McCready thought he saw the object of this talking, and he hoped His Worship would put it to the ten minutes rule.

The Mayor said the rule had not been enforced at the previous discussions. There appeared to have been an understanding that a free and full discussion should be permitted.

Councillor Goyette then proceeded to address the Council, continuing for some time, as well as Alderman Content openly indicating their intention to speak against time.

After some time,

Councillor Devlin rose to a question of order. He thought they owed something to the dignity of the Council. His Worship knew as well as any one when a member was out of order, and he (Councillor Devlin) submitted to his sense of reason whether the member addressing the Council was in order. He did feel that they were compromising the character of the Council, by permitting a discussion which had no object. M.R.

— Hear —

The Mayor hoped Councillor Goyette would keep to the question before the Council.

Councillor Goyette again proceeding,

Councillor McCready again rose to a question of order. He thought it was a shame that such proceedings should be permitted.

Councillor Goyette again rose, and continued for some time farther.

Alderman Rodden followed, begging the members of the Council to dispose of the subject one way or another. He also entered into an explanation of some remarks made by Councillor Lebel.

Further discussion of an interminable character followed, Councillor David having made some allusion to a feeling of fear that pervaded the Council.

Councillor McNevin said he would like to know if Councillor David wished to charge any of the old country members of the Council with being actuated by feelings of fear in voting as they did. He had yet to learn that any English, Scotch or Irish member was afraid to vote as he pleased.

Councillor David said he had manifested no one; but he hoped no one would vote through fear.

Councillor Stevenson could perceive the use of delaying the question, when everybody had made up their mind. It was unreasonable. The only reason he had heard given for the three months' hold was that they should await the decision of the Courts. But the matter before them had nothing whatever to do with that before the Council.

Councillor Higginson said the question before the council was simply one of postponing the discussion. He thought it would be unfair to the chief and to the public to do so, and would vote against the motion.

Alderman Constant rising to reply,
Coun. Deville rose to call his Worship's attention to the 14th rule, which provided that no member should speak twice to a motion, except its mover, who might reply if the question were a substantive one.

The Mayor thought the amendment before the council was a substantive motion.

Coun. Deville conceded that it was not. (There being here great disturbance in the galleries, as well as confusion in the council) Coun. Deville asked His Worship if he was prepared to sustain order.

The Mayor said he was prepared to maintain order in the Council, and addressing Alderman Constant, said he had the right to explain what had come up during the discussion.

Ald. Constant said he must state that he was not only going to explain, but also to defend himself and the Chief of Police. (Chaos and uproar in the galleries.)

The Mayor said it was against the rules of the Council for an alderman to make any mark of approbation or disapprobation, and he hoped there would be no further demonstration, but that the rule would be rejected.

Couns. David and Labelle contended that the rule cited by Coun. Deville did not apply to Coun. Constant's motion.

Coun. Constant then proceeded to address the Council in French at some length, afterwards speaking in English. He said he had been accused of speaking too long; he admitted it and he did not see why it should be complained of by those who so recently had referred to the same process of gaining time. He informed in substance of the Chief of Police the case of the Officer of Police of Quebec who was accused by the council for arresting a man recently discharged. He did not know by whom the Chief could be re-called. Councillor Higginson having expressed his determination to vote against the motion, he would like to know what the influences had that effected that change after that member had made the motion he did a few evenings before.

The vote was then taken on Alderman Constant's motion for the three months limit, with the following result:—

Ayes—Leduc, David, Holland, Goyette, Labelle, Lamoureux, Poupart, Martin, Constant, Giesler, Lefebvre, —1.

Nays—McTavish, Higginson, Bowe, McFerren, Stevenson, Deville, McIlroy, McCreary, Broadbent, Donovan, Lyman, Rodden, Gosselin, Bulmer.—14.

The motion was lost.

Councillor Labelle then moved, seconded by Alderman Constant, that all the words after "and by declaims its opinion" in Councillor Stevenson's motion be struck out, and that the following be substituted:—"That the accusation brought by Councillor Deville against Cllr. Lamorte, relieves itself from a legal question of which this Council is not competent to take cognizance; that in consequence this Council stands not come to any decision until the present investigation on the legal question be decided by the Courts of Justice.

Councillor McCready rose to a question of order. The motion was out of order.

The Mayor said the motion was in order. His object was to refer the decision of the Courts on the question under discussion.

Councillor Stevenson appealed from the decision of the Mayor, and the vote being taken, showed 13 against the Mayor's decision and 12 for it. The decision being overruled, the motion consequently fell to the ground.

Some other amendments were put and defeated out of order.

At length Alderman Constant moved, seconded by Councillor Labelle, that the consideration of the question be postponed for 15 days.

A noisy discussion followed, and the vote being taken, 10 voted for and 15 against the motion.

Councillor Labelle then moved, seconded by Alderman Constant, that the previous question be put. Yeas—Ayes 10, nays 15.

The Mayor said that Councillor Stevenson's motion for amendment, for the adoption of the resignation, was now before the Council.

He had intended to explain the position of the Chief, but he considered it best to let him explain the reasons for which he had brought forward the motion introduced by him on Friday night. It was well known that on the 13th December Councillor Derville made charges against the Chief of Police which, if well founded, he would have been the first to propose, not the acceptance of the resignation of the Chief of Police, but the immediate dismissal. An investigation was held before the Police Committee. Their report established nothing against the resignation of the Chief of Police. In fact, the members of the Chief and the Chairman of the Police Committee had declared that there was no imputation to be cast upon the character of the Chief. He was not going to express any opinion upon the conduct of the Chief of Police. It was clear that the Chief had not only been persecuted, but persecuted. He would however say, in justification of the Chairman of the Police Committee who had been charged with acting partially in the matter, that he gave the defense every opportunity to bring forward evidence in favor of the Chief. He had understood that it was proposed to put the force under the direction of Commissioners appointed by the Government, with salaries of \$3,000 a year, and that the Chairman of the Police Committee was desirous of being one of these Commissioners. (Alderman Roddey: you are entirely mistaken.) Councillor Higginson then proceeded to make a defense of Chief Lamothe on various grounds, such as his long residence in the city, good family, and his impartial and gentlemanlike conduct on all occasions. He regretted that Alderman Gordon had indulged in such attacks upon his old friend Alderman Lyman. He believed that gentleman in the event of invasion would be found a gallant officer notwithstanding his weak constitution. Councillor Higginson explained his reasons for the vote he was about to give. He considered it would be an injustice to the Chief of Police to compel him to serve the Council while so much opposition to him was manifested by members, and he felt it to be his duty in consideration for the Chief of Police to vote for the acceptance of his resignation.

The vote was then taken on Councillor Stevenson's motion, seconded by Coun. Bowles, which was as follows:—

"That all the words after 'that' in the main motion (Coun. Higginson's) be left out, and the following substituted: "This Council having duly considered the evidence, produced in support of the charges preferred by Councillor Derville against Guillaume Lamothe, Chief of Police, hereby declares its opinion that the Chief acted precipitately and imprudently in giving up the powers intrusted to his care, and although nothing has been shown to warrant the Council in believing that the action partook of dishonesty or corruption, yet nevertheless taking all the circumstances into consideration, it deemed desirable to accept the resignation of his office tendered by Mr. Lamothe, and the said resignation is hereby accepted."

Ayes—McInairan, Higginson, Bowles, McNevin, Stevenson, Devlin, McKittrick, McCreedy, Broadbent, Donovan, Lyman, Roddey, Gignac and Balmer—14.

Nays—Leduc, David, Rolland, Goyette, Labelle, Lamouroux, Popert, Martin, Content, Grenier, and Leduc—11.

The motion being carried, the resignation of the Chief was consequently accepted, and the Council adjourned about midnight.

Throughout the whole of the proceedings, the greatest disturbances prevailed in the galleries, the spectators hissing, cheering and applauding as they chose. Some policemen were present, but they made no effort to keep order, and the Mayor's request that there should be no demonstration passed totally unheeded.