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felt more fully satisfied that my first impression, as on whom the demand for the property should be made was correct—and for this reason—that I was not an Officer of the Bank, within the meaning and intent of the Statute.—As this point has been questioned, and insisted upon by the Commissioners, I will beg leave to state my conclusion.—The Bank Act is a highly penal statute—it was passed to provide a remedy for an evil which had been done—and in that remedy certain penalties are affixed to certain persons, by whom the evil was done, who shall refuse to comply with certain of its provisions, to certain acts of disobedience is attached the high penalty of imprisonment. Now as I was not named in this act, (as all the others are,) and as it cannot be gathered by implication from it, that I was one of the persons who had committed this evil against the public, but rather that I was one of the public against whom the evil was committed, it would I think (and I believe most will agree with me) be an absurdity on my part to admit in any shape whatever that I was one of those persons, against whom it had been found necessary by the Legislature to pass so severe an enactment. And besides, it may be observed that the facts will bear out this conclusion—I held no situation at the time of the failure of the Bank—I could by no possibility have caused its failure. I had merely acted by request as one of a committee to examine its books after that failure had taken place, and when the true state of its affairs had been ascertained by that committee, I was one of its number having acquired a knowledge of its transactions was solicited to conduct its business as Agent, not for carrying on further banking operations, but for closing its affairs. All I had done for the Bank, was for its good, and in my own opinion, I should have forced my better judgement and done violence to the intentions of Parliament, to have supposed, that for the good I had thus done, they would render me liable to the same pains & penalties, & disgrace, as those who in the preamble of the bill, are stated to have defrauded a great portion of the inhabitants of this Province.

As however, the act had vested in the board therein named, the property of the late Bank, I could have had no objection to place in their hands such of it as was in my possession, on receiving the proper acquitances. On the morning of the 10th April I addressed the following letter.

"Gentlemen,—Not having been favored by you with either a copy of the Statute passed on the subject of the late Bank of Upper Canada, or any extract from it which might serve as a guide to me, and being hitherto without the means of having access to it from any other quarter, I have felt myself much perplexed, acting as I have been obliged to do, on my own judgement.

"I am however happy to find on a perusal of it that my judgement has been correctly formed, and that I have fortunately, not committed any act contrary to its provisions.

"I would however most respectfully beg leave to submit to your consideration whether according to the provisions of the Statute you have not been premature in the proceedings on your part.

"Without any guide myself, I had no doubt that you were acting consonant to the law of which, I naturally suppose you are in possession of a certified copy, as your instructions to proceed to the discharge of the trust and powers committed to you.—Under this impression I could hitherto have had no objection to deliver to you as a majority of the Board, the documents demanded.

"Having now had an opportunity of seeing the Statute myself in one of the public prints, I am satisfied that you must have erred in the construction of it, and that until its provisions are completed, by first organizing a Board consisting of three persons, you cannot make any demands—those hitherto made have been accompanied by your own signatures only.—Whether the third person named in the Statute is unwilling to act in the Commission, I am unaware.—I am therefore induced to make this communication in order that we may mutually be saved any further trouble on the subject until the Board is duly organized, according to the provisions of the Statute.

"When this shall be the case, and I trust it will be as immediately as your convenience will permit, I do most respectfully and earnestly entreat, that an examination of the entries in the books, during the period of my charge may take place, in order that the Board and all others concerned, may be fully satisfied of the correctness of my proceedings, and be enabled to grant me such discharges as will, at any future period, preclude the possibility of my name being called in question, for the faithful discharge of the duty committed to me. I beg this as a favor at your hands, and appeal to your sense of the justice and reasonableness of the request to comply with it, assuring you, that every explanation and assistance in my power shall be afforded, to facilitate an object which I feel to be of so much consequence to me.

I have the honor to be  
Gentlemen your ob'dt. Serv't.

(Signed) ROBT. STANTON.

To the Hon. Geo. H. Markland,  
& Jno. Macaulay, Esqrs. &c. &c.

To this letter I did recently expect a reply, but was again disappointed.

On the 11th April Mr. James Nickalls called upon me, and presented the following paper.

To James Nickalls Junr, of Kingston.  
"Sir,—By virtue and authority of an Act of the Legislature of this Province of Upper Canada, passed in the last Session of the Provincial Parliament, held at York, in the Home District, appointing 'a Board for settling the affairs of the Pretended Bank of Upper Canada, lately established at Kingston in the Province of Upper Canada,' you are hereby authorized, and required to ask, demand, and receive of and from Robert Stanton, Esq. of the Town of Kingston, all books, papers, and other documents relating to or concerning the said late Bank of Upper Canada, that are or may be in his possession as agent for the said Bank, and upon receipt of the said books, papers, and other documents relating to the said Bank, to give to the said Robert Stanton sufficient receipts for the same in the name of the said board, and that you do forthwith cause the said books, papers, and other documents so received, to be delivered to our custody and for so doing these presents shall be to you a sufficient warrant and authority.

Given under our hands and seals at Kingston, the tenth day of April, one thousand eight hundred and twenty-three.

(Signed) G. H. MARKLAND. (L.S.)  
Jno. MACAULAY. (L.S.)

Of this paper I have the copy, by the politeness of Mr. Nickalls, to whom it was addressed, and who permitted me to copy it; he of course took it with him, as being his own property, and in no wise addressed to me. I mentioned however to Mr. Nickalls the purport of my letter of the 10th inst. and the regret I felt that it should have been answered in such a way, and explained to him my reasons for wishing an examination of the books, as far as entries in them had been made by me, the property of which, Mr. Nickalls himself, who is a man of business, could not otherwise than assent to; but stating, however, that though he had consented to receive the books and papers, his time would not permit him to make the examination.

I gave him a verbal answer, expressive of the same sentiments as contained in my last letter, saying, that when the Board was duly organized according to the provisions of the Statute, I thought demands would be more properly made; and expressed my surprise, that there should be a determination to treat all my requests with silent refusal, and that on the authority he had received I could by no means consent to deliver the books—and let it be observed, that it is no authority whatever to me.

On the 12th April the following Summons was served upon me:

"Office of the Board of Commissioners for settling the affairs of the Pretended Bank of Upper Canada, lately established at Kingston in Upper Canada.

Kingston, April 12th 1823.

To Robert Stanton, Esq.

Sir—You are hereby required to appear before the Board for settling the affairs of the Pretended Bank of Upper Canada, on Tuesday the fifteenth day of April now next ensuing, at the hour of eleven o'clock in the forenoon of that day, at their Office in the house of Thos. Markland, Esq. in Kingston, and there to produce all the books, papers, and other documents in your possession as agent for the said Pretended Bank of Upper Canada.

Herein fail you not.

By order of the Board of Commissioners. (Signed) JAMES NICKALLS, Junr.

Clerk to the Board.

From this document it appeared that the Board was now duly constituted according to law, its summons, as required, being signed by its Clerk; yet the Commissioners seemed to consider me as an officer of the Bank within the intent and meaning of the law, which for the reasons I have already stated, I could not by any possibility admit; however, to convince them that I was not unwilling to treat them with proper courtesy, on the day appointed I waited upon them, and after some questions were put to me, handed them the following paper, requesting that it might be received, and entered on the proceedings.

CORP.—Unwilling to place any impediment in the way to your proceeding to the discharge of the duties you are to perform, I obey your Summons in as far as it respects my appearing before you, and am ready to answer any questions which may tend to afford you information.

"Under any other circumstances I should not have felt disposed to make any objections to the proceedings.—I would however have it understood, that by my present compliance in appearing before you, I do not mean to admit, that I consider myself as one of the Officers of the Bank, or within any description of persons liable to be summoned or brought before you for any purpose;—neither do I admit that you can, as a Board for settling the affairs of the Bank, sit in this place. It is unnecessary that I should at present enter into the merits of these particulars; I beg however that it may be remembered by you that I have made these objections, as points reserved for future determination if necessary.

As the property of the Bank is vested in you as Commissioners and Trustees, I however have no objection to deliver to you or your order, such of it as is in my possession on being furnished with receipts; and for which purpose I shall attend at my office any day and hour you may consider most convenient.

(Signed) ROBT. STANTON.

Kingston, Tuesday, 15th April 1823.

To the Commissioners for settling the affairs of the late Bank of U. Canada.

Several questions were put to me, not touching the affairs of the Bank, or the cause of its failure, but such as related to myself personally, and tending to draw from me an admission that I was an officer of the Bank. These questions and answers I am not able to give, having without success solicited a copy of them, and I will not attempt to give them from memory, as they occupied more than two hours of time.

On the 18th April, the following paper was delivered to me.

"Office of the Board of Commissioners for settling the affairs of the Pretended Bank of Upper Canada, lately established at Kingston in Upper Canada.

Kingston April 18th 1823.

To Robert Stanton, Esq.

Sir—I am directed by the Board of Commissioners to inform you that having made a demand upon the Directors of the Pretended Bank of Upper Canada for the books, papers, bills, notes, documents, and effects of the said Bank. You are hereby authorized to deliver them without delay to the said Directors, or their order, and by complying therewith you will consider yourself exonerated from your obedience to their requisition, dated the tenth day of April last past.

By order of the Board of Commissioners. (Signed) JAMES NICKALLS, Junr.

Clerk to the Board.

The Directors on the same day called at my office, and presented to me a demand which had been made upon them for the books and papers; to whom I delivered them and from whom I procured the necessary receipts and discharges, for the balances handed over; and by the Directors the property was placed in the hands of the Commissioners—and thus ended the matter in the way in which it appeared to me it ought to have begun, and which I had indeed pointed out as the proper mode of proceeding.

Throughout this affair I can anticipate one objection, and only one—that I perhaps stuck too close to the letter of the law; but if this objection should be made let it be remembered, that no opportunity was afforded me to pursue a different course. I should have had no objection had it been otherwise, and would willingly have met the Commissioners on terms less formal; yet to all my

entries in the books, you must know that that assertion in your Report is false.—You have in your Report accused me of passing Notes without the approbation of the Board of Directors. That accusation also is unfounded. I challenge you to produce a single note passed by me without the approbation of the Directors, or to point to any such instance in the books. You have further asserted that I paid out money without charging it in the books. The imputation contained in that assertion is another calumny. You know, from the proof before you, that I did not keep the books; but that Mr. Ferguson, the Teller, was also the book-keeper, employed for that purpose by the Directors; yet you have misrepresented his acts as mine, in order to impute his errors to me. How you can reconcile such a misrepresentation with your sense of candour and truth, is for you to explain.

You had it proved before you, that the Teller, as book-keeper, made out the weekly statements, which were laid before the Directors, and by which they regulated their discounts; and that these statements purported to exhibit the balances of the accounts weekly, but have been found to be incorrect and deceptive; that the Directors and Cashier were deceived by them; and that the Teller acknowledged to the investigating committee, that he did not in fact balance the books, as the statements purported. Yet you have endeavored to ascribe those and other errors of the Teller to the Cashier and Directors.

You have charged the Directors with overlooking that at the time the books were balanced by an entry of a large sum of 'by error,' without enquiring into the nature of the error; whereas the fact, as proved, was simply this, that there being a difference between the amount of the notes discounted and the discount account, the book-keeper was directed to find out the error in his account, and correct it; instead of which he entered a credit 'by error' to the amount of the difference; and this being just before the failure of the Bank, was not perceived until the examination of the entries by the committee.

You have also asserted that the Directors allowed notes of great amount to be discounted by the Cashier without any other names than the drawer, contrary to the express rules of the institution. As it respects both the Directors and the Cashier, that accusation is unequivocally false. They did not authorize me to discount, nor did I discount any such notes. There was indeed a note of Benjamin Whitney's for 17000, which, during my absence occasioned by sickness, he in connivance with the Teller, passed through the books without an endorser, and filed it away among the discounted notes, without the knowledge of the Directors, and it was not known, until my return to the Bank, when I discovered it, and reported the case to the Directors, and it was made one of the charges for which he was suspended from the Presidency. All this was fully proved to you. Why then, did you suppress that joint transaction of the President and Teller, coming directly within the scope of your report?

To exonerate the President from the suspicion of an alleged abstraction of the funds of the Bank, under the imposing pretext of censuring him, you have stated that he 'neglected altogether to examine into the state of its funds and accounts;' whereas it was in proof before you, that during my sickness and absence, while he and the Teller had the sole charge of the Bank, he was seen overhauling the Bank money, about, without the presence of a Director, contrary to the regulations of the Bank. It was also proved to you, that he was busied, day after day, in taking memoranda and statements from the accounts, which he carried away from the Bank, in violation of one of the established rules. It was further proved before you, that a few days before the Bank failed, he told Mr. Richmond, one of the Directors, that he (the President) had examined into the state of the funds, and all correct, except that one person had been allowed larger discounts than he thought were proper. You have reported that you could not ascertain whether the alleged abstraction of the Bank funds took place before or after the suspension of the President; although you had full proof that, at the time of his suspension, he acknowledged there was, to his knowledge, a deficiency of 40000, and that he had known it more than a month, although it does not appear to have been known to any other person. Your report further asserts that you could not point out to what the failure of the Bank should be attributed; whereas you had it in evidence, that the President obtained from the Cashier of the Bank of Canada, at Montreal, (by pretences and means which in the opinion of the first council of Lower Canada, made it amount to felony,) 80000 of our notes, which had been redeemed by that bank, of which he put into circulation one thousand pounds, and held the residue to coerce the Directors to his terms: in consequence of which criminal conduct, the Bank of Canada discontinued the redeeming of our notes, and the failure of our Bank immediately ensued.

It was also proved before you, that Benjamin Whitney had been detected in a conspiracy of a most serious nature against the Bank: this also made one of the charges for which he was suspended, and you were informed of two other persons who were concerned with him in the plot: yet you have thought proper to conceal in your Report this most important information, and the names of the persons implicated with the President.

While you appear to have been hunting for causes of censure against the Directors, and particularly against the Cashier, and have reported false accusations against them, you have, in your Report, suppressed these well-proved instances of the misconduct of the President and Teller. There are cases, in which the suppression of facts is as real a deception, as the assertion of falsehoods. Let every man of sense and candour decide whether this is not one of those cases.

Aggravated by your one-sided Report, and precluded from an opportunity of defending myself against it, before either the Executive government, or the Legislature, or a court of justice, I have, in necessary self defence, brought my case before the public, and have pointed out some of your positive falsehoods and suppressions of truth, and your general partiality, in plain and explicit terms. To this painful and indispensable duty you have forced me. However unfortunate I may be, I have rights and feelings, as well as you. As an injured fellow subject, I now call upon you, in the presence of that impartial public, who will judge between us, to support your criminal assertions with proof, or to retract the same, or by your silence admit that you are calumniators.

SMITH BARTLET.

Kingston, December 10, 1823.

For the Upper Canada Herald.

MR. EDITOR—

In reading the Report of the Branch Bible Society of Laprarie, published in No. 21 of the Christian Register, I met with the following facts which afforded me much gratification, and which you would greatly oblige me to publish in your next Herald:—'As some of the Roman Catholic Clergy of this Province, have heretofore manifested an

unfavorable disposition towards the labours of the Bible Society, and the circulation of the Holy Scriptures among their people, your committee are happy to inform you that it is not now so much the case as formerly and they record with great satisfaction an instance of enlightened Christian Charity in one of that body. This Gentleman purchased from your Society, six dozen new Testaments (De Socy's version) for gratuitous distribution among his poor parishioners, to enable them to comply with the command of our Divine master, 'search the Scriptures.'—Professor Van Esse German Roman Catholic Clergyman, has circulated nearly half a million copies of the word of life.'—The number of copies of the New Testament purchased by the Roman Catholic Clergyman was just double that distributed among the Protestant part of the community during that year. For the report says: 'thirty Bibles and Testaments have been sold, and six gratuitously distributed, making thirty-six which have been put into circulation the past year.'—Every philanthropist and friend to true religion must be highly delighted with the recital of the above-mentioned facts.

AMICUS.

Kingston, Dec. 13, 1823.

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AMICUS.

Kingston, Dec. 13, 1823.

NOTICE.

THE General Quarter Sessions of the peace, in and for the Midland District, will be held by adjournment, on Monday the 29th day of Dec. next, at the Court House in the town of Kingston, at the hour of ten o'clock in the forenoon; at which time such persons as are desirous of renewing their Tavern Licences, or obtaining new ones for the ensuing year, must attend for that purpose.

Kingston, Dec. 11th, 1823.

FOR SALE,

TWO Horses, one Sleigh with Bearskin Aprons and a Buffalo Robe, also one set of Harness, the property of the late Surgeon Faries, 60th Regt. if not sold by private Contract, previous to Saturday the 20th Dec. they will on that day be put up by Auction at 11 o'clock A.M. in front of his late quarters—the Horses may be seen at the late Surgeon's Stable, and the Sleigh at the Hospital 60th Regt. Kingston, 15th Dec. 1823.

NOTICE.

THE parents and guardians of the youth committed to the care of the Subscriber, are requested to attend an Examination of his School, on Tuesday the 23d inst. at the hour of ten o'clock A.M. Others who feel desirous to encourage literature and the rising generation in the pursuit of it, are also respectfully invited to attend.

WM. MERRILL.

Dec. 16th.

NOTICE.

THE Co-partnership heretofore carried on in this place, under the firm of MACDONALD & M'PHERSON, is dissolved by mutual consent. The business will in future be carried on by H. Macdonald, who will settle all claims against the concern, and to whom all who are indebted to the late firm, are requested to make immediate payment.

H. MACDONALD, EVAN M'PHERSON.

The Subscriber continues to give the highest price for House and Field Ashes of a good quality.

H. MACDONALD. 50w3  
Kingston, 11th Dec. 1823.

NOTICE.

THE undersigned Executors to the estate of the late Wm. Townsend of Loughborough, request that all persons having claims against the same, will render them to Robert Stanton, and all persons who are indebted to the said estate, are requested to make payment to the same person.

JOHN KIRBY, } Executors.  
ROBT. STANTON; }  
Kingston, Dec. 12th 1823.

Ten Dollars Reward.

LOST,

IN the street between the Market place and Blake's Tavern, on Monday the 14th inst. TWENTY-SIX Dollars in Silver, and a TEN Dollar Bill of the York Bank. Whoever may have found the above money, and will leave it at the Herald office, shall receive a reward of Ten Dollars Kingston, Dec. 15th, 1823.

FOUND,

IN the street, few days ago.

A Silk Pocket Handkerchief.

Apply at the Herald Office.

Dec. 16, 1823.

FOR SALE,

A Valuable Farm

IN the Township of Fredericksburgh, adjoining Adolphustown, being the East half of Lot No. 13, in the Second Concession, containing

100 ACRES,

60 Acres of which are in a high state of cultivation. There is a good House on the premises, and an excellent Well of water. The soil is of the best quality.

The above farm is most advantageously situated, being about 6 miles from Adolphustown Court House, and within the same distance of six different places of worship.

Any person desirous of purchasing an eligible situation is requested to call at the Herald Office, Kingston, where further particulars will be made known. Fredericksburgh, October 23th, 1823.