

Files 63 & 64 October 30, 1829
Deposition of James Herbert

District of
Montreal
County of
Leinster
Province of
Lower Canada

Before me Joseph Senet Esq're one of his
Majesty's justices of the peace for the
County & District aforesaid

Oct 30 1829

Has appeared James Herbert¹ Landholder
in the Township of Rawdon who has
voluntarily declared & deposed being
duly sworn upon the holy Evangelist
that Deponent attended the funeral
of the late John Brooks who was
accidentally killed in the Township of
Rawdon and whose interment took
place upon a certain Sunday upon
which the Rev'd JE Burton had officiated
at Mr. Eveleigh's² Sixth Range Township
of Rawdon which place is a con-
siderable distance from the burial
ground not less than six or Seven
miles. That on the arrival of the
corpse at that place of interment the
friends of the deceased did not wait
for the Rev'd JE Burton but proceeded
to inter the corpse and that the body
was buried before the Rev'd JE Burton
could possibly have arrived at the
appointed time at the appointed
place the distance the Rev'd JE Burton
had to travel from the house of
prayer to the grave yard being
taken into calculation and the Dept further

deposed that after the funeral the
Dep't Stopped for Some time at a
house in the immediate Vicinaty [sic]
of the burying ground Situated
upon the high road leading from
the residence of the said Mr. Eveleigh
to the said place of interment for

the purpose of taking some refreshment. At which house the said Rev'd JE Burton called shortly after Dep't had come there for the purpose of ascertaining whether the remains had yet arrived And that Dep't informed the said Rev'd JE Burton the corpse had been buried for some time previously upon receipt of the information the said Rev'd JE Burton appeared extremely surprized [sic] and mortified & expressed himself as follows or in words to the same effects he was sorry the parties did not await his arrival that he had made every exertion to come quickly from the house of prayer to the ground and that he was astonished the friends of the deceased had broken their appointment with regard to the hour & hadn't

given him a reasonable time to repair to the place in order that he might perform the usual Service And Dep't further deposed that he verily believed the said Rev'd J. E. Burton had arrived as soon as he could possibly have been expected in the neighbourhood of the burying ground after having performed divine service at so great a distance at the residence of the said Mr. Eveleigh And Dep't further deposed that he has been acquainted with the said Rev'd JE Burton for many years and has frequently seen great generosity displayed by the said Rev'd JE Burton in relinquishing his fees upon various occasions & further deposed that that the said Rev'd JE Burton has always been most punctual & exact in the performance of his public and occasional duties And Dep't further declares in reference

to certain actions of Damages taken
by the Rev JE Burton against a certain
person named Ben Gibson³ that he
Dept and to the best of his knowledge
the rest of the respectable parishioners
of Rawdon agree with him in opinion

that the Rev'd JE Burton was perfectly
justifiable & did right in taking
said action against said Gibson
he Gibson having grossly abused
the said Rev'd JE Burton at his own
house and in public & private
and said Dep't is clearly of opinion
that the Steps at law against
said Gibson were forced upon the
said Rev'd JE Burton by said Gibson
he the said Rev'd JE Burton having
made frequent overtures of peace
& having strenuously [sic] endeavoured
by various means to bring the
matter to an amicable and friendly
conclusion And that Dep't does
not consider the said Rev'd J.E.
Burton to be fond of law or addicted
to litigiousness [sic] as from Dep't's personal
knowledge the said Rev'd JE Burton
has never taken any law proceedings
against any man in Canada
except in defence of his character
in the suit against Gibson above
alluded to & has upon many occasions
passed over various trespasses and
offences punishable by law for
peace sake & has forgiven many
person's provocations & crimes

File 64

which no man but a peaceable
man or a + churchman would forgive
and Dep't declares that he knows the
said Rev'd JE Burton to be quiet
moderate & a good natured to all
who deserve such Department
Dep't further States that the
Rev. JE Burton has been very liberal

+ true

in lending the Settlers Small
Sums of money for the purpose
of advancing some in life &
for the purpose of extricating
others from their difficulties &
has often distributed medicine
books & clothes gratis among
those of the parishioners who
wanted the same and has rendered
himself extremely useful upon
various occasions both in a tempor
=al and in a spiritual sense to his
parishioners generally throughout
the whole of his extensive mission
& has been upon the whole a
zealous laborious & Successful
missionary and the said Rev'd J. E.
Burton is esteemed by good and honest
members of the community as a
respectable individual of Society

and consequently it is false that
the Rev'd JE Burton is universally
detested throughout his mission
Dep't likewise declares he has
lately seen a copy of a petition
sent to the Bishop of Quebec
by certain inhabitants of the
Township of Rawdon the
entire substance of which
petition the Dep't verily believes
to be false malicious and
scandalous And Dep't finally
States that the whole of the
above affidavit is true in
testimony of which Dept
has Signed his name to these
presents having been previously
read by Deponent

James Herbert

Sworn at the Village of
Saint Jacques the 30th of October
1829

Seven words are void which are
blotted out⁴

Joseph Senet JP

ENDNOTES:

¹ Herbert was said by his descendants to be a native of King's County, although others of that name at Rawdon were from Roscommon. He settled at 6 / N 11 in 1825. He was a sponsor for the baptism of a child of Arthur Hamilton who later witnessed the burial of, Peter Tansey of 6 / N 12, Herbert's brother-in-law. There is circumstantial evidence to suggest an old country link between James Herbert and Arthur Hamilton and his relatives, possibly in County Roscommon.

² This, by Burton's response to Question 3 in the 1827 Circular (File 65), was the third Sunday of the month.

³ Benjamin Gibson resided at Second Range, Lot 17 from 1821 to 1828 when it was alleged, in documents relating to the school, that he had left the Township. From 1825, he had served as a school commissioner in the new school Burton was instrumental in setting up at the Forks. Solomon Gibson was located nearby on 2 / 16 but all of this name had departed by the September 1831 census.

According to the 1825 census, Gibson was over 40 and not yet 60, had a wife over 45, a child under six and a single male 18 -25. This latter could be Solomon who was a saddler, and who wed in Montreal in 1826 and a second time in 1838. Solomon died in 1850 and was said to be born in Ireland c.1796, with Benjamin Gibson signing as a witness.

Burton quarreled with the schoolmaster, James Walker, which is documented in letters of the Royal Institution for the Advancement of Learning. In June 1826, Burton wrote, "Mr. Walker states that I would not sign his Reports because I had quarrelled with the Commissioners." Burton said that he had differed with Gibson "because he is a creature of Walker's & would sign any thing that was put into his hand by the School Master to sign."

Walker the same summer writes "Mr. Gibson cannot either compose or spell a single line of a letter." later, in another letter he complains of Gibson exercising influence over him.

Gibson was, by reports found in documents relating to Crown land grants, a difficult individual. In C2537, pages 56761-2, John Kite writes to Mr. Lyons, the Crown, agent to complain "the Road upon the rere of 17 apon the 2 Range belonging to Mr. Gibson Injures my crop this some years past and I have complained frequently to the proprietor of said road". In C2542, pages 62513 - 53 there are a number of complaints against Gibson accusing him of insulting and threatening other settlers and of not doing his road work as required by law.

In 1839, Benjamin was a widower living in Chambly when he married at St. Gabriel Street Church in 1839. The death of Mary Gibson in 1832 at Chambly could be his first wife. A Benjamin Gibson was buried from Christ Church, Montreal in 1853.

⁴ There are no words blotted out in this copy and presumably were omitted by the copyist.