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FIRST and THIRD

REPORTS

23/3/1831

OF THE

STANDING COMMITTEE

OF

GRIEVANCES,

Appointed to take into consideration and report their opinions and observations
on all questions which may arise

IN THE

HOUSE of ASSEMBLY

OF

Lower Canada,

And be referred to the said Committee, relating to

GRIEVANCES

AND

Petitions of Grievances.

REPORT TO
THE BOARD OF DIRECTORS

FOR THE YEAR
ENDING 1953

STATE OF CALIFORNIA

COMMISSIONERS OF THE
REVENUE AND TAXATION

REPORT

FOR THE YEAR
ENDING 1953

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Com. Grievances.

HOUSE OF ASSEMBLY,

COMMITTEE ROOM,

FRIDAY, 4th MARCH, 1831

PRESENT :—Messrs. *Bedard, Neilson, Cavillier, Lafontaine and Ls. Bourdages.*Mr. *Bedard* in the Chair.

YOUR Committee appointed to take into consideration, and report their opinions and observations, upon such questions as may arise in the House of Assembly, and be referred to them, relative to Grievances, and to Petitions containing Grievances, have the honor to report in part.

Your Committee, having taken into consideration the Petition of *Edward Glackemeyer*, have, by means of the enquiries and researches, required by the allegations in that Petition, become convinced of the reality of the Grievances of which the Petitioner complains. Your Committee have perceived with surprise, that it has been attempted to compel the Notaries of this Province, to take out new Commissions on the demise of His late Majesty, *George the Fourth*; and they have to express their regret that it has been dared to exact a fee for such Commissions for which there was no right, because, in the opinion of Your Committee, no law applicable to the Notaries of this Country, can justify the obligation which has been attempted to be imposed upon them on this occasion.

Your Committee deem it their duty to remark to Your Honorable House, that the Notice which was published by order of the Executive Council after the fifteenth of December last, was addressed to persons who held Commissions "during pleasure," that they could not remain in force, after the twenty sixth of the same month, in virtue of a certain statute. That Act, (that of the sixth year of the Reign of Queen *Anne*, Chapter 7,) only speaks of the Commissions of Public Officers whom the King may dismiss whenever it pleases him; and it is by the effect of a principle of the common law of *England*, limited by that Statute of Queen *Anne*, that, on the demise of the Kings of *England*, those public functionaries must, in *England*, be continued in those offices, which they cannot fill, except by the will of the reigning Sovereign. The application which has been made of this statute, or of this principle, to the Notaries and other persons exercising professions in this Province, by requiring the renewal of their Commissions, is an encroachment upon the independence which, it is acknowledged, ought to characterize those professions, and to remove them from the influence of any power to which the law which established them does not require them to submit. Independent of the injustice there would be in rendering a class of men who maintain themselves by their labour and their industry, dependent upon any Government for their means of subsistence, the danger and the innumerable inconveniences must be felt, which would

be the result in this country of the subserviency of professions to the Executive power; and to show how much such a pretension is unfounded, Your Committee believe that it will suffice to observe that the persons who exercise professions in *Canada*, do not hold the power of exercising them from the will of Government, but from the law which established those professions, and which ordains that every individual possessing the necessary qualifications shall be admitted to them.

Your Committee now return to a detail of the principal facts which have appeared in the course of the enquiry they have made on the subject of the renewal of Commissions.

After the publication of the Notice of the fifteenth of December, the Provincial Secretary, who had been ordered to communicate immediately with the Attorney General for the purpose of preparing the new Commissions become necessary by the demise of the King, did prepare Commissions for the Notaries and Attornies. The public then became alarmed by the opinions of the Law Officers of the Crown. The Notaries of *Quebec* assembled in a body to protest against what they, with reason, considered as an unjustifiable oppression. The Bar of *Quebec*, that of *Montreal* and that of *Three-Rivers*, declared that they were not bound to take out new Commissions. Nothing of this had, however, the effect of preventing such measures being resorted to, as could be found, to cause the putting into execution of the pretensions which had been set up. Several Notaries who had not renewed their Commissions could not obtain the usual Certificate which is appended to such instruments as have to be sent into foreign parts. The Provincial Secretary gave them a new Certificate agreed to by the Executive Council, and which rendered doubtful the authenticity of those instruments. Other Notaries, who would not take out new Commissions, had to suffer under the doubts which were entertained as to the validity of their *Actes*. At last eleven Attornies and thirty-one Notaries took out those new Commissions, for each of which the sum of three pounds five shillings was exacted, out of which *James Stuart*, Esquire, the Attorney General of this Province, received two pounds.

Your Committee cannot pass over in silence the extraordinary alterations which the Attorney General thought it necessary to introduce in the Commissions of Notaries on the demise of His late Majesty *George the Fourth*. Those alterations are contrary to the spirit of the Ordinance of the 25th of *George the Third*, Chapter four, and assimilate these Commissions to those:

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those of those Public Officers whose appointment depends upon His Majesty.

Your Committee think it right to observe, that the Attorney General has not been able to give your Committee any satisfactory explanation of those alterations, and that the words "during pleasure," which at the time, were inserted in the Commissions of Attornies, could not justify those alterations, because they constitute an abuse, unauthorized by law, that those words were inserted in those Commissions, and that it was the duty of the Attorney General to have left them out in the Forms which he has prepared.

Your Committee will finish their observations by submitting to Your Honorable House the following Resolutions as containing the expression of the opinion of Your Committee, upon what has taken place, with respect to the renewal of the Commissions of professional persons in this Province on the demise of His late Majesty *George* the Fourth :

Resolved, 1st.—That the Commissions of Attornies, Notaries, and of other persons who exercise professions in this Province, emanating from the law, cannot be affected by the death of the King, and that the renewal of them ought not to have been required, on the demise of His late Majesty *George* the Fourth.

Esquire, Attorney General, has a right to the fees or emolument, upon the new Commissions to be made out for the Attornies in this Province, on the demise of His late Majesty *George* the Fourth.

And *James Stuart*, Esquire, Attorney General, in this Province, by introducing into the Commissions of Attornies, and Notaries of this Province, alterations in the Forms of Commissions, which are assimilated to the Commissions of Public Officers whose appointment depends upon His Majesty, has been forgetful of his duty, and rendered himself guilty of a contempt of the law, which did not allow of the introduction of the said alterations.

4.—That it is, by an abuse, contrary to law, that the words, "during pleasure," were inserted in the Forms of Commissions for Attornies, Notaries, and other persons exercising professions in this Province, and that the said words ought to be omitted in such forms.

The whole nevertheless humbly submitted.

Is. BEDARD,
President.



TAKEN BEFORE THE COMMITTEE OF GRIEVANCES.

Thursday, 3d February, 1831.

ISIDORE BEDARD, Esquire, in the Chair.

Edvard Glackemeyer, Notary Public examined:

1. How long have you practised as a Notary?—Since the year eighteen hundred and fifteen.

2. Can you now produce your Commission?—I will produce it to the Committee to-day.

3. Have you in virtue of that Commission, always acted as a Notary, without thinking it necessary to take out a new one?—Yes.

4. Were Notaries required to take out new Commissions on the demise of His Majesty, King *George* the Third?—Not at all—it was not required.

5. On the demise of His late Majesty, *George* the Fourth, did there appear any thing in the Gazettes published by authority, which enjoined Professional Persons to renew their Commissions?—There was nothing but a Notice signed by Mr. *Daly*, the Provincial Secretary, by which all persons who held any situations under Government, during pleasure, were required to take out new Commissions.

6. Can you now produce a Copy of that Notice?—I produce it now, and it is as follows:—

“ NOTICE.

“ PROVINCIAL SECRETARY’S OFFICE,

“ *Quebec*, 15th December, 1830.

“ Persons in this Province holding Commissions during pleasure, under His Majesty’s Provincial Government, which at the time of the demise of His late Majesty *George* the Fourth, were in force and will continue to be so under the Statute in this behalf provided, till the 26th instant, are notified, that their new Commissions, rendered necessary thenceforward by His late Majesty’s demise, will be delivered to them on application at this Office.

“ By command,

“ D. DALY,

“ Secretary of the Province.

7. Did you in consequence of this notice, think yourself obliged to take out a new Commission?—No; and that for the reasons alleged in my Petition.

8. Have you experienced any difficulty in the exercise of your profession from your not having taken out a new Commission?—Yes, after the 26th of December last, I requested the usual authentication of a Power of Attorney, which I had executed. The Provincial Secretary told me that, as I had not taken out a new Commission agreeably to the notice given as above, he considered that he could not append the usual certificate to that Instrument, (*Acte*,) before taking an opinion on the subject. After that he informed me that the request thus made by me, had been referred to the Executive Council; and some time afterwards he delivered to me the Certificate of which the original is annexed to my

Petition;

Petition; but the parties could not avail of the Instrument, (*Acte*;) I had drawn up with a Certificate of the nature of that in question, which is as follows:

“ (L. S.)

AYLMER,

His Excellency, MATTHEW LORD AYLMER, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of His Majesty’s Forces in the Province of *Lower Canada* and *Upper Canada*, &c. &c. &c. and Administrator of the Government of the said Province of *Lower Canada*.

“ To all whom these presents may concern:

“ I do hereby certify that *Edvard Glackemeyer*, and *Errol B. Lindsay*, previous to the demise of His late Majesty, King *George* the Fourth, to wit: on the 26th day of December, in the year of our Lord One thousand eight hundred and thirty, was in due form of Law Commissioned to be and act as Public Notaries, in and for the Province of *Lower Canada*, and that full faith, and entire credit are and ought to be given to their signatures in that capacity, in so far as the same may be warranted by Law, under the said appointment.

“ Given under my Hand and Seal at Arms, at the Castle of *St. Lewis* in the City of *Quebec*, the tenth day of January, One thousand eight hundred and thirty-one, and in the first year of His Majesty’s Reign.

“ By order of His Excellency,

“ D. DALY,

Secy. and Regr.

9. Have, to your knowledge, several persons of your profession, taken out new Commissions?—Several Notaries have taken them out, and have stated to me that they conceived themselves compelled to do so, as they feared that their Clients, and the public in general, would not employ them.

10. Has the obligation thus imposed upon Notaries to take out new Commissions, been considered by the public, as an attack upon the independence of professions?—Certainly, I can positively assert that a great number of persons have considered it so. All those who have spoken to me, and all those to whom I have spoken on the subject, without exception, have considered it as an attack upon the independence of professions. The whole body of Notaries and Attornies in *Quebec*, have been unanimously of that opinion.

11. Do you know that lately, and since the refusal you met with, with respect to the authentication of your *Acte*, any other Notary has been refused the authentication of an *Acte*, because he had not renewed his Commission?—I know that the day before yesterday, a certificate similar to mine was given to Mr. *P. Lukin*,

Lukin,



Lukin, Notary of Montreal, who had not taken a new Commission. It was myself to whom the certificate was delivered for him.

12. Do you know whether the new Commissions given to the Notaries are similar to the old ones?—I have seen one of those new Commissions; it is similar to the old ones. It appears to me as if the Notaries are entirely considered as Officers of Government.

13. Can you now produce any of those new Commissions?—No.

14. Were those new Commissions required to be paid for?—Yes, I believe three pounds five shillings currency, is charged for a Notary's Commission.

15. Were the Certificates of authentication which you demanded from Government, necessary, or required by any law?—I believe they are not required by law; but the validity of such instruments might in foreign countries be disputed without such Certificates.

16. Has it been customary to procure such Certificates to documents which were to be sent to foreign countries?—Always, and invariably, even with respect to those that had to be sent to England.

17. Was there a customary Form used for such Certificates?—Yes.

18. Does that customary Form differ from the Form of the Certificate that has lately been given to you?—Yes.

19. Have you sustained any damage from the circumstance of your having been refused an authentication in the usual terms?—I have every reason to believe so.

20. Have any of your Clients appeared to entertain doubt as to the validity of your *Actes*, because you had not taken out a new Commission?—A few have.

21. Do you know whether in consequence of those doubts, those persons did apply to other Notaries to prepare the instruments, (*Actes*,) they wanted?—I do not know.

22. Has the refusal to give the customary authentication, lessened the confidence you previously enjoyed, in the eyes of any of your Clients?—Some of my Clients have told me so themselves, and they may have gone to other Notaries to get their business done, without my knowing it. I am sure that there are but a very few of my Clients who would now trust me to draw up a Will.

23. Have you adopted any means to obtain redress for the grievance under which you are labouring?—It is on that account that I have applied to the Legislature; I knew of no other means, and the Gentlemen of the law, whom I consulted, advised me to do so.

24. Has any Lawyer stated to you that there might be doubts as to the validity of your present Commission?—They did not say that they had doubts, but they said that doubts might arise, and that my *Actes* might be liable to be declared null and void, although they themselves were fully of opinion that they were valid.

25. Was the Form of a Certificate of authentication the same during the Reign of His late Majesty George the Fourth, as it was before the demise of His Majesty George the Third?—Yes.

26. Was payment required of you for the two Certificates of authentication of which you have spoken?—Yes?—Yes, in both cases; the usual rate of two shillings and six pence.

Friday, 4th February, 1831.

Dominiek Daly, Esquire, Provincial Secretary, examined:—

1. You are the Secretary of this Province?—I am.
2. By what authority did you publish the notice

number last, bearing your signature, holding offices at the plea- required to renew their Com- authority of an order of the Exe- by the Governor, furnished

formed, and by whom, that the different professions of Advocate, Physicians, were to renew their Commis- not hear positively whether Advocates were bound to take new Commissions: I was informed that Physicians were not bound to take them.

4. Were you not called towards the close of December last, to legalize an *Acte* passed by a Notary who had not renewed his Commission agreeably to the above-mentioned advertisement?—I was.

5. Did you affix to the said *Acte* the usual Certificate?—No.

6. Why did you not affix to this *Acte* the usual Certificate?—The papers, (which I now furnish at the request of the Committee,) will shew the grounds upon which I acted.

7. Has there been any alteration in the Form of the new Commissions for Notaries and Advocates?—In the Advocates' Commission there has not been any alteration, the Notaries' Commission has been altered.

8. Will you furnish a Form of the new Commissions for Notaries?—I now furnish it.

9. By what authority was the new Form established?—A draught furnished by the Attorney General.

10. Were there any fees required from applicants for these new Commissions?—Yes.

11. What fees, and from whom?—£3 5s.: £2 of the whole was received by the Attorney General, and £1 5s. by the Secretary of the Province.

12. At what time was the official news of His late Majesty's demise received here?—On the thirteenth of August last.

13. Was there a Proclamation issued on the occasion, and will you furnish a copy of it?—There was; and I will furnish a copy.

14. Was that a Proclamation for continuing officers; and if it is, will you furnish a copy of it?—I will furnish a copy of the Proclamation.

15. Was there a similar Proclamation issued by the present Administrator of the Government, and will you furnish a Copy of it?—I will furnish a Copy of the Proclamation issued upon his assuming the Government.

16. Have you any knowledge of a Royal Proclamation issued by His Majesty King William the Fourth, for continuing officers?—Royal Proclamations issued in England, are not recorded in my office.

17. Did you receive a written order to issue the notice of the 15th Decr. calling upon persons to renew their Commissions, and at what date did you receive it, and will you produce a copy?—The notice was prepared and sent down to me for publication in both languages from the Executive Council, with the order of the Council on the back. I received it on the day of its date, (15th Decr.) and I will furnish a copy of the Notice in the shape in which it reached me.

18. Did you receive an order from them to alter the Form of the Notaries' Commissions?—I considered myself bound to adhere strictly to the Form furnished to me by the Law Officer of the Crown.

19. Through what channel did the new Form come into your hands?—Direct from the Attorney General, having been ordered from the commencement to put myself in immediate communication with the Attorney General for the purpose of preparing such Commissions as were rendered necessary by the demise of the Crown.

20. Have you received a notice from the Crown, for future Notaries Public, to renew them?—The Form now in use is the same as that used in all future cases of Commissions of Notaries Public, whether new Notaries or renewals.

21. Will you furnish a Copy of the Form of the Commissions of Notaries formerly in use?—Yes.

22. Are there many Notaries and Lawyers who have applied for new Commissions since the 26th of December?—Thirty Notaries have taken new Commissions, and eleven Lawyers.

23. During your transactions with the Council and Attorney General on the subject of the renewal of Commissions, were any reasons assigned for changing the Form of Notaries' Commissions?—No reasons were assigned to me.

24. Do the Commissions of Physicians, Surgeons, Midwives, Cullers and Pilots contain the expressions, "together with all and every the powers, rights, privileges, fees, profits, emoluments and advantages to the said offices appertaining to the same, unto him the said, for and during our Royal pleasure"?—I will ascertain.

25. Have Cullers, Pilots and Physicians come, since that advertisement, to renew their Commissions?—No.

26. Have you had any opportunity of knowing for what reason and for what object, were certain words, not to be found in the old Form, inserted in the new, such as these—"at his special instance, of our special grace, certain knowledge, and mere motion"?—I have no knowledge of the motives for altering the old Form of the Commissions.

27. Do you know why the form of the Notaries Commissions was changed, whereas that of the Advocates remained unaltered?—I do not.

28. Have you had several applications since the 26th December for Certificates to Notarial Acts, that the persons before whom they were passed are Notaries duly commissioned?—There have been some; there are four or five instances in which the new Form of Certificates was used.

29. Did you inform yourself through the Law Officer of the Crown, whether Advocates' and Notaries' Commissions were included among those required to be renewed, and what answer did you receive?—I did verbally enquire from the Attorney General, and the reply was, that it was the duty of the parties concerned to discover whether or not they were affected by the notice.

30. Was the same answer given to you with regard to the Physicians?—No; the Attorney General gave his decided opinion that Physicians were not affected by this notice.

31. Did you cause the Commissions for Advocates and Notaries to be printed?—Yes.

32. Who induced you to print a set of these Commissions?—The Attorney General informed me that it was absolutely necessary, to be enabled to furnish new Commissions to all persons applying with the least possible delay.

33. Is the same seal affixed now to the Commissions for Notaries and Lawyers as previous to the 26th December last?—The Lawyers' Commissions are in every respect the same; the new Notaries' Commissions are now under the Great Seal, instead of the Governor's Seal as formerly.

34. Was there any difference in the Fees of these Commissions?—There was a difference of 5s. in favor of the parties taking the new Commissions.

35. By what authority was the change effected?—From the change of the Form of the Notaries being put

under the Great Seal, I could not by the Tariff take an £1 5s.

By what authority was the alteration of the Form effected?—The nature of the Draught requires the Great Seal.

Is the Seal affixed to Commissions of Advocates and Lawyers, the same previous to the 26th of December?—Yes.

What was the Fee?—£3 10s.

Did you receive any information as to the ground or object of changing the Notaries' Commissions from a Seal under the Governor's Seal at Arms, to a Commission under the Great Seal?—I had not.

Errol Boyd Lindsay, Esquire, Notary Public,
examined:—

1. Have you taken a new Commission?—No.
2. Have the Notaries in *Quebec* considered the obligation of taking new Commissions as an attack upon the independence of their profession?—The majority of the Notaries who met at *Quebec* considered it as such.
3. Have you sustained any damage from not having taken such new Commission?—Some of my customers have not allowed me to execute their *Actes* because I have not taken out a new Commission.
4. Have some of your customers required that you should take a new Commission?—I have been informed that in the situation in which the Trinity House was placed, their *Actes* must be passed by a Notary who had taken a new Commission.

Monday, 7th February, 1831.

ISIDORE BEDARD, Esquire, in the Chair.

Dominick Daly, Esquire, again called in, and examined:—

1. At what time did you receive the Notice, marked (A)?—I received the Notice on the day of its date.
2. Can you give the total number of new Commissions issued, distinguishing those having paid fees from those for which no fees have been demanded?—One hundred and sixty-four new Commissions have been made out, of which eighty three pay fees and eighty one are gratuitous. The first are Commissions of profit and emolument; the second are for places of trust without profit to those who hold them.
3. You stated that you had printed Forms made from draughts prepared by the Attorney General; when applications for renewals were made, what has been the course of proceeding until the Commission was delivered to the applicant?—I have printed Forms for only Notaries and Lawyers; application is made to me, and after having ascertained that the party is entitled to it, I fill up the blank, and send it to the Governor for his signature, and it is then returned to me, and I deliver it to the party.
4. Does it go to the Attorney General before it is issued?—No.
5. Does he get a fee upon those Commissions?—He gets the usual fee of £2.
6. Did any Notaries who have taken new Commissions object to their new Form?—No.

Thursday,



Thursday, 10th February, 1831.

ISIDORE BEDARD, Esquire, in the Chair

The Honorable James Stuart, Attorney General, in, and examined:

1. You are the Attorney General of the Province?—I am.
2. For what reason did you think proper to change the Form of the Commissions for Notaries since the demise of His late Majesty George the Fourth, whilst you did not think proper to change that of the Commissioners for Barristers, (Attornies)?—Whatever changes may have been adopted in framing the Commissions of Notaries, subsequently to the demise of His late Majesty George the Fourth, were adopted in consideration of legal fitness and propriety. In such new Commissions as may have been required for Attornies, no alteration was deemed necessary or expedient.
3. What law, or what part of any law, authorized you to change the Form of the old Commissions for Notaries, and to insert therein the following words:—"William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith"—"at his Special instance,"—"of our especial Grace, certain knowledge and mere motion."—"In testimony whereof we have caused these our Letters to be made patent, and the Great Seal of our said Province of Lower-Canada, to be hereunto affixed,—Witness Matthew Lord Aylmer Administrator of the Government," &c., which are not found in the old Form for Commissions of Notaries?—The words mentioned in this question as not being to be found in former Commissions of Notaries, are words *de style*, used in Instruments of the nature issued under the Great Seal. They are not to be found in the old Commissions, because these Commissions were issued under the Seal at Arms of the Governor for the time being. No law is deviated from or infringed by the use of the words referred to.
4. Can you state the reasons which required the Great Seal to be affixed to the new Commissions for Notaries, and the words "of our mere motion," to be inserted therein, which are not to be found in the old Commissions for Notaries?—The general rule with respect to the form of Instruments to be used in the appointment of Public Officers, is, that such appointment be made by an Instrument under the Great Seal of the Province. Being on the occasion referred to, required, for the first time in my official capacity, to prepare the Draught of a Commission for Notaries, I deemed it proper to adhere to this rule, and therefore prepared the Draught in the Form in which it would pass the Great Seal.
5. Why, therefore, did you not cause the Great Seal to be affixed to the Commissions for Attornies, and cause the same words to be inserted therein, since they are as much public officers as Notaries?—There are considerations which distinguish the Commissions granted to Attornies from those granted to Notaries.
6. Are not the qualifications of Attornies and Notaries in this Province regulated by the same law, and what is the reason of the difference you make?—The principal cause of difference is found in the circumstance of Attornies being officers of certain Courts, to whose superintending authority and coercive power in the discharge of their duties they are subject; whereas Notaries, as public officers of the Government, are charged with more important powers and duties, and act independently without any other control than that imposed by the provisions of law.
7. Do you believe that a Notary's Commission, in the new Form, with the Great Seal, and the words "of our

- mere motion," could be taken away from the will of Government, without the will of Government?—I believe that Attornies, Notaries, and other persons who like them exercise their Commissions in this Province in virtue of a law, and that the Commissions so framed, as would enable them to recal their Commissions at pleasure?—I must beg leave to decline answering abstract questions of law, or public policy; and on this ground decline answering this question.
9. By what law, or what part of any law, were you authorized to insert in the Commissions of Attornies, and in the old Commissions of Notaries, the words "during pleasure"?—The Commissions which have been issued under the Ordinance regulating the appointment of Attornies and Notaries from the time of passing of the Ordinance to the present time, that is, for nearly half a century, have, without exception, contained these words which are to be found in the new as well as in the old Commissions.
 10. The law which regulates those Commissions, does it contain any reason for the insertion of those words in the Commissions?—As already stated, I must beg leave to decline submitting legal opinions to the Committee, of which I am persuaded the Committee do not stand in need.
 11. Since you receive a fee of two pounds currency for every Commission issued to either Notary or Attorney, do you not consider yourself responsible for the legality of every Commission that is issued?—I am of course responsible for the legal sufficiency of every Commission prepared by me.
 12. Are you of opinion that the Notaries of this Province ought, in conformity to law, to take out new Commissions, six months after the demise of His late Majesty George the Fourth?—I beg leave to decline answering this question.
 13. Do you know whether the Imperial Statute passed in the sixth year of Queen Anne, which declares that the Commissions of public officers, shall continue in force for six months after the demise of the Crown, relates only to those whom the King may remove from their office whenever he pleases, and not to those who exercise professions according to Law, and do not hold Commissions either in virtue of the pleasure or liberality of Government?—The Committee will excuse me if I beg leave to decline on this occasion to offer any interpretation of the Statute referred to, or of any other Statute.
 14. Are the words "at his special instance," which are met with in the new Commissions for Notaries, also words *de style*, in Commissions under the Great Seal, or for what other reason have they been inserted?—These words are introduced into the Commissions, because it is only on the special application of the individual that they are issued, as required by the Ordinance.
 15. In what form were the orders you received to make out renewed Commissions in consequence of the demise of the Crown?—The orders to me were in the usual form, through the Secretary of His Excellency the Governor.
 16. Was it stated that it was in consequence of a Report of Council?—I do not recollect.
 17. Is the new Commission for Notaries in the usual Form of Commissions under the Great Seal?—The Commissions for Notaries are framed in strict conformity with the requirements of the Ordinance, and in the form of Instruments under the Great Seal.

18. Do you conceive that Notaries would be equally valuable as under the new Form?—The new Commissions have been prepared legal and unexceptionable, and the city I am responsible for its legal success.

19. Had you any particular instructions in the form of these new Commissions?—None.

20. Are there any legal consequences of a Commission under the Great Seal, and those under the Seal at Arms?—So far as the Seal is concerned, if the Commissions under one or other of these Seals, there would be a difference in their effects; their might be a difference arising from the language in the one or in the other.

21. Do you consider both as determinable in all cases at the pleasure of the Crown, if they contain the words "during pleasure"?—Commissions are determinable according to the terms under which they may be granted.

22. When you mention the provisions of Law in answer to the sixth question, do you allude particularly to the Ordinance under which these Commissions are issued?—By the words "provisions of Law," I mean the provisions by which the power and duties of Notaries are regulated.

23. Do you conceive that any greater control would be established over Notaries under the new form than under the old?—No.

24. Have you draughted any Commission for Notaries, previous to the issuing the form of the new Commissions?—As already stated by me, I was required for the first time to prepare the Draught of a Commission for Notaries, on the occasion of issuing the new Commissions.

25. Do you conceive yourself responsible for the form of any new Commission for Notaries, issued since you were in office, previous to the issuing of the new Commissions alluded to?—I can only be held responsible for the validity of Commissions of which the draughts are prepared by me.

26. Was the exhibit marked (A.) draughted by you?—(See Appendix A.) A notice of the nature of that referred to was draughted by me.

27. Was the Certificate on the Form (H.) draughted by you?—(See Appendix H.) I am not aware of having furnished such a draught.

28. Was the Form (I.) draughted by you?—(See Appendix I.) I furnished a draught of this description.

29. Is it usual to insert the words "at his special instance," in Commissions held during pleasure under the Great Seal?—Such words are not introduced when the appointment is the spontaneous act of the Government. They are introduced into the Commissions of Notaries, in conformity with the Law under which the Commissions are issued.

Augustin Norbert Morin, Esquire, one of the Members of the Committee, examined:

1. Did the Bar of *Montreal* consider the obligation of taking out new Commissions as an attack upon the independence of the profession?—In December last, a short time after the publication of the notice of the Provincial Secretary on this subject, a Meeting was held by the Bar of *Montreal*. There were about forty-five Attornies present. They were unanimously of opinion that the renewal of their Commissions was neither required nor justified by Law, and that it was an attack upon the independence of the profession. Yet, there was some difference of opinion as to what means ought to be adopted on the subject. I have reason to believe that the Attornies who were not present at that Meeting, coincided in opinion with those who were.

Amoulin, Esquire, a Member of the Provincial Parliament, examined:

practice as Attorney at the Bar of *Three-*

Bar of *Three-Rivers* consider the obliga-

tion to take out new Commissions, as an attack upon

the independence of the profession?—Yes, and it was

about that we refused to take out new Com-

Roger Lelièvre, Esquire, Notary Public, examined:

1. For what period have you practiced as Notary?—I have practiced as a Notary since 1793.

2. Did you take out a new Commission on the demise of His late Majesty, *George* the Fourth?—I took out a new Commission as Notary in the month of December last, on account of the demise of His late Majesty *George* the Fourth.

3. Did the Notaries of *Quebec* consider the obligation to take out new Commissions, as an attack upon the independence of the profession?—The body of Notaries at *Quebec* did consider the obligation to take out new Commissions as an attack upon the independence of the profession.

4. What was your own opinion on the subject?—I entertained the same myself.

5. Why then did you take out a new Commission?—Because if I had not taken out a new Commission I should have lost a considerable number of my customers, and that my situation in life would not permit me to make such a sacrifice.

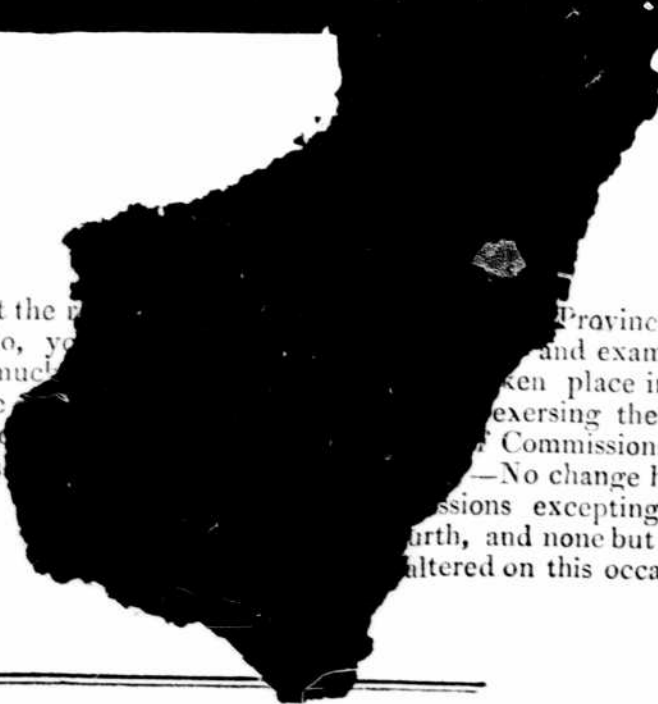
Saturday, 12th February 1831,

Bartholomew Augustus Conrad Gagy, Esquire, examined:

1. Since when do you practice as a Barrister at the *Quebec* Bar?—Since August 1822.

2. Did the Bar of *Quebec* consider the obligation of taking new Commissions as an attack on the independence of the profession?—The Bar of *Quebec* have considered the obligation of taking new Commissions as an attack on the independence of the profession; my opinion and that of the Members of the Bar to whom I have spoken on the subject, is, that there could not be any difference between the Advocates and the Notaries on the subject of the renewal of Commissions. On learning that it was pretended to impose new Commissions, as they were called, on the Bar, I made it a point of consulting several of its members, with a view of calling a meeting to resist the imposition. Those to whom I spoke having concurred in the propriety of the proposed measure, Mr. *Hamel* and I called at the office of the Secretary of the Province, Mr. *Daly*, there to ascertain the fact officially, and to be enabled to report it to the Body. This took place some time from the first to the twenty-third of December. On asking for Mr. *Daly* we found that he had left the office; but Messrs. *Lane* and *Boutillier*, his Clerks, answered our questions proposed by me sufficiently loud to be heard by the Attorney General, and with the intention that he should hear—I stood within a foot or two of him. Messrs. *Lane* and *Boutillier* both said that it was deemed necessary that we should renew our Commissions, and one of them, Mr. *Lane*, added "the Attorney General thinks so;" I repeated the words "the Attorney General thinks so," or "does the Attorney General think so," Mr. *Lane* answered "yes, there he is, you may ask him." The Attorney General made no remark, and I did not address myself directly

directly to him. I asked if we were to get the Commissions gratis; Mr Lane said "No, you pay for them," and on my asking how much "thirteen dollars;" On being asked to see what were pointed out to us, and we were to be nearly all ready. The Attorney General has heard and noticed all that occurred.



Provincial Secretary, again and examined: taken place in the Form of Commissions on the decease of —No change has taken place in the Commissions excepting at the decease of the late Majesty George the Fourth, and none but the Commissions of the late Majesty have been altered on this occasion.

APPENDIX.

[A.]
NOTICE.

SECRETARY'S OFFICE,
Queec, 15th December 1830.

Persons in this Province holding Commissions during pleasure under His Majesty's Provincial Government, which at the time of the demise of His late Majesty George the Fourth, were in force and will continue to be so, under the Statute in this behalf provided, till the 26th instant, are notified that their new Commissions, rendered necessary thenceforward by His late Majesty's demise, will be delivered to them on application at this Office.

By command,
(Signed) D. DALY.

(A True Copy.)
D. DALY,

[B.]

SECRETARY'S OFFICE,
(Copy.)
Quebec, 30th December 1830.

Sir,

Having been applied to for a Certificate under the Hand and Seal of the Governor, to a document signed by two Public Notaries who have not taken out new Commissions, I consider it my duty to bring the circumstance under Lord Aylmer's notice, as from the terms of such Certificate, (the form of which I have the honor to subjoin for His Excellency's information,) I do not consider myself justified in determining the extent to which Notaries' Commissions have been affected by the demise of the Crown, by preparing such an instrument for His Excellency's signature without further instructions.

I have the honor to be
Sir,
your most obedient
humble servant,

(Signed,) D. DALY,
Secretary.

Lieutenant Colonel Glegg,

[C]

EXTRACT of a Report made by a Committee of the whole Council, dated the 4th January, 1831, on the Provincial Secretary's Letter of the 30th December, 1830, requesting instructions as to preparing Certificates to be attached to documents signed by Notaries who have not taken out new Commissions:—

Approved by His Excellency the Administrator of the Government.

"The Committee cannot presume to give any opinion on the question submitted by this Officer, as to the extent to which the Commissions of Notaries are affected by the demise of the Crown, that being a question which can only be properly determined by the King's Courts; but under existing circumstances they think it advisable that the certificates for legalizing or authenticating the Instruments passed by Notaries who have not renewed their Commissions, should set out the special matter according to the truth of the fact.

Certified.

(Signed,) GEORGE H. RYLAND.

[D]

CASTLE ST. LEWIS,
Quebec, 5th January, 1831.

SIR,

I am directed by His Excellency the Administrator of the Government, to transmit for your information and guidance, the accompanying Extract of a Report made by a Committee of the whole Council, dated 4th January, 1831, on the Provincial Secretary's Letter of the 30th December 1830, requesting Instructions as to preparing Certificates to be attached to documents signed by Notaries who have not taken out new Commissions.

I have the honor to be

SIR,
Your most obedient
humble servant,
J. B. GLEGG,
Secretary.

(Signed)

D. Daly, Esquire, }
Provincial Secretary }

E.

(Copy)

SECRETARY'S

Quebec

SIR,

I have the honor to acknowledge your letter of this date, transmitting by your desire, an Extract of a Report of the Executive Council, on the subject of the Hand and Seal of the Governor, attached to Instruments executed before Notaries who have not taken out new Commissions, for my information and guidance.

As it appears indispensable, from the terms of this Report, to depart from the established Forms of this Office, which are prepared by the Law Officer of the Crown, I have the honor to suggest for His Excellency's approval the necessity for my being furnished with an additional Form applicable to this peculiar case.

I have the honor to be,
Sir,
Your most obedient
humble servant,

(Signed,) D. DALY,
Lieutenant Colonel Glegg. Secretary.

[F.]

CASTLE ST. LEWIS.

Quebec, 7th January, 1831.

SIR,

With reference to the contents of your letter of the 5th instant, I am commanded to acquaint you, that Instructions have been sent to the Attorney General, directing that you may be furnished with the additional Form required.

I have the honor to be,
Sir,
Your most obedient
humble servant.

(Signed,) J. B. GLEGG,
D. DALY, Esquire. }
Provincial Secretary. }
Secretary.

[G.]

CASTLE ST. LEWIS,

Quebec, 8th January, 1831.

SIR,

I am commanded by His Excellency Lord Aylmer, to enclose to you, for your information and guidance, Copy of the Attorney General's Draught of a Certificate for authenticating Documents executed before Notaries, who have not renewed their Commissions.

I have the honour to be,
Sir,
Your most obedient
humble servant,

(Signed,) J. B. GLEGG,
D. DALY, Esquire. }
Provincial Secretary. }
Secretary.

[H.]

HIS EXCELLENCY, &c. &c. &c.

To all whom these presents may concern :

I do hereby certify, that A. B. is (or are) a Notary (or Notaries) for the Province of Lower Canada, duly commissioned and authorised as such : In consequence whereof, full faith and entire credit are and ought to be given to his (or their) signature (or their signatures,) in such capacity or capacities, wherever the same may appear.

Given under my Hand and Seal at Arms, &c. &c. &c.
(The Governor signs it.)

By His Excellency's command.
A. B. Sec'y. & Rgr.

[I.]

HIS EXCELLENCY, &c. &c.

To all whom these presents may concern :

I do hereby certify that A. B. previous to the demise of His late Majesty King George the Fourth, to wit, on the day of in the year of Our Lord one thousand hundred and was in due form of Law commissioned to be and act as a Public Notary in and for the Province of Lower Canada, and that full faith and entire credit are and ought to be given to his Signature in that capacity, in so far as the same may be warranted by Law under the said Appointment.

Given, &c. &c.

(Signed,) J. STUART,
Atty. General.

[K.]

HIS EXCELLENCY, &c. &c.

To all whom these presents shall come, or may in any wise concern ; Greeting :—

Whereas A. B. of the (City or Parish) in the District of in the Province of Lower-Canada, Gentleman, hath preferred a Petition to obtain a Commission of Notary Public, and the same having been referred to the Honorable Justices of &c. for the District of in the said Province. And they having in consequence certified to me by their Certificate, bearing date the day of that the said A. B. underwent the necessary examination in their (or his) presence, and that (they or he) found him capable of exercising the aforesaid trust and charge : Now, know ye, that having taken into consideration the loyalty and integrity of the said A. B. and his learning and capacity so certified, I have nominated and appointed, and by these presents do nominate and appoint the said A. B. to execute and perform the trust and duties of a Public Notary, for the Province aforesaid, and the same office and the duties thereof, to fulfil and perform according to Law ; to have and to hold, exercise and enjoy the said office of Public Notary during pleasure.

Given under my Hand and Seal at Arms,
at the Castle of Saint Lewis,
&c. &c. &c.

C

[L.]

Province of }
Lower Canada. }

WILLIAM THE FOURTH, by the Grace of God of the Kingdom of Great Britain, France and Ireland King, Defender of the Faith. JAMES KEMPT, BY THE KING.

To all to whom these presents shall come, or whom the same may concern—Greeting: Whereas it hath been duly certified unto us, as required by the Ordinance or Law in this behalf made and provided, that our beloved and faithful

of the in our District of Gentleman, hath served a regular and continued Clerkship, for and during the space of five years, under a contract in writing for that purpose made and entered into with a Notary duly commissioned and appointed and practising as such, to entitle him the said

COMMISSION appointing. to be commissioned and appointed a Notary, in and for our Province of Lower Canada; And that the said

GENTLEMAN a NOTARY PUBLIC, for this Province. hath been examined by some of the eldest Notaries and Practitioners in the Science of a Notary, in the presence of the Honorable

FIAT. Recorded in the Registrar's Office of the Records at QUEBEC, the day of 183 in the first Register of Commissions, Notaries, &c., Folio. of our Court of King's Bench, in and for our District of being the District wherein the said

the said served his Clerkship as aforesaid, and hath by the said been approved as being a person of fit capacity and character to be commissioned and appointed to act and practice as a Notary in our said Province of Lower Canada; Now know ye that reposing trust and confidence in the loyalty, integrity, skill and knowledge of the said

and at his special instance, We, of our especial Grace, certain Knowledge, and mere motion, have constituted and appointed, and by these presents do constitute and appoint the said to be a Public Notary, in and for our said Province of Lower Canada; To have, hold, exercise and enjoy the said office of Public Notary as aforesaid, together with all and every the powers, rights, privileges, fees, profits, emoluments and advantages to the said office appertaining, and which of right ought to appertain to the same, unto him the for and during our Royal Pleasure.

In testimony whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said Province of Lower Canada to be hereunto affixed: Witness our trusty and well-beloved Matthew Lord Aylmer, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all our Forces in the Provinces of Lower Canada and Upper Canada, &c. &c. &c. and Administrator of the Government of our said Province of Lower Canada: At our Castle of St. Lewis in our City of Quebec, in our said Province, the day of in the year of our Lord One thousand eight hundred and thirty and in the year of our Reign

Secretary.

requiring all persons being in office of Government, at the decease of the late R proceed in the execution of their respective offices.

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

To all to whom these presents shall come, Greeting:---

Whereas by an Act made in the Sixth year of the Reign of Her late Majesty Queen Anne, intituled, "An Act for the security of Her Majesty's Person and Government, and of the Succession of the Crown of Great Britain in the Protestant Line," It was enacted that no office, place or employment, Civil or Military, within the Kingdoms of Great Britain or Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, and Sark, or any of Her Majesty's Plantations, should become void by reason of the demise of Her said late Majesty, Her Heirs or Successors, Kings or Queens of this Realm, but that every person and persons in any of the offices, places and employments aforesaid, should continue in their respective offices, places and employments for the space of Six months next after such death or demise, unless sooner removed and discharged by the next Successor to whom the Imperial Crown of this Realm was limited, and appointed to go, remain and descend.

We, therefore, with the advice of our Executive Council of our said Province of Lower Canada, do hereby direct and command, that all and every person and persons who at the time of the demise of Our late Royal Brother of Glorious Memory, duly and lawfully held, or were duly and lawfully possessed of, or invested in any office, place or employment, Civil or Military, within our said Province of Lower Canada, do, severally, according to their places, offices or charges, proceed in the performance and execution of all duties belonging to their respective offices whilst they shall hold the same respectively during Our pleasure, and according to the Provisions in the said Statute contained: And we do hereby require and command all our loving subjects to be aiding, helping and assisting, at the commandment of the said Officers and Ministers, in the performance and execution of their respective offices and places, as they and every of them, under our utmost displeasure, will answer the contrary at their peril.

In Faith and Testimony whereof we have caused the Great Seal of our said Province of Lower Canada to be hereunto affixed.

Witness our Trusty and well beloved Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all our Forces in our Provinces of Lower Canada, and Upper Canada, Nova Scotia and New-Brunswick, and their several dependencies, and in the Island of Newfoundland, and Administrator of the Government of our said Province of Lower Canada: At our Castle of St. Lewis, in our City of Quebec, in our

our Province of Lower Canada, on the eighth day of August, in the year of Our Majesty's said Majesty's reign, eight hundred and thirty, and in the first year of His Majesty's said Majesty's reign.

GOD SAVE THE KING!

(Signed,)

(A true Copy.)

D. DALY,
Secretary and Registrar.

[N.]

Province of }
Lower-Canada, } (signed,) AYLMER.

By His Excellency MATTHEW LORD AYLMER, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and their several Dependencies, and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

A PROCLAMATION.

WHEREAS His Majesty has been graciously pleased to provide for the Administration of the Civil Government of the Province of Lower Canada, by appointing me to Administer the same, with all and every the powers and authorities in this behalf in me vested; I have therefore with the advice of His Majesty's Executive Council for the said Province, thought fit to issue this Proclamation to make known His Majesty's due appointment: And I do hereby require and command that all and singular His Majesty's Officers and Ministers in the said Province, do continue in the due execution of their several and respective Offices, Places and Employments: And that His Majesty's loving Subjects and all others whom it may concern, do take notice hereof, and govern themselves accordingly.

Given under my Hand and Seal at Arms, at the Castle of St. Lewis, in the City of Quebec, in the said Province, the Twentieth day of October, in the year of our Lord One thousand eight hundred and thirty, and in the First year of His Majesty's said Majesty's reign.

By His Excellency's command.

(Signed,) D. DALY,
Secretary.

(A true Copy.)

D. DALY,
Secretary and Registrar.

[O.]

At a Meeting of the Notaries of the City of Quebec, held under the direction of the Senior of the Profession, on the twenty-third of December, one thousand eight hundred

and thirty, at the Office of Mr. E. Glacke, Notary Public, at three o'clock in the afternoon.

Present:—Roger Lelièvre, Michel Berthelot, Pierre Archibald Campbell, Pierre Gagnon, Edouard Lelièvre, F. X. Vaillancourt, Michel Tessier, Maxime Lelièvre, E. B. Lindsay, Wm. De Léry, C. D. Planté, Michel Lelièvre, T. P. Anderson, A. B. Sirois du Plessis, J. B. Ouellet, J. B. Gagnon, F. X. Garneau.
Roger Lelièvre, Esquire, as Senior of the Profession, was requested to take the Chair; and F. X. Garneau, Esquire, to act as Secretary.

Resolved, That every person qualified according to the second Section of the Ordinance of the 25th George III. Cap. 4, has a right to be Commissioned and admitted to perform the duties of, and practice as, a Notary in this Province.

Resolved, That no Notary so Commissioned can be deprived of the right of practising as such, and that his Commission cannot be taken away from him, except by a judgment rendered by a competent Court of Justice, upon complaint made and proved against him for malversation.

Resolved, That the demise of the King does not in any way affect the Commissions of Notaries in this Province.

Resolved, That the Notaries in this Province are not bound to take out new Commissions, and that the Notaries present at this Meeting will not take such out.

Resolved, That these Resolutions shall be published in order that those Notaries who reside at a distance from this City may become acquainted therewith.

A true Copy.

(Signed,) F. X. GARNEAU.

[P.]

AYLMER,

GOVERNOR IN CHIEF.

In compliance with the request of the House of Assembly expressed in their Address of yesterday, the Governor in Chief transmits herewith a certified Copy of His Majesty's Proclamation bearing date at St. James', the twenty-eighth day of June last; and being desirous of making the House of Assembly acquainted with the whole of the circumstances connected with the recent renewal of Commissions held under His Majesty's Government in this Province during pleasure, he informs the House that about the middle of the month of December last, it was suggested to him, (not officially or by any person connected with this Colony,) that it behoved him to consider whether a renewal of such Commissions might not become necessary by the non-arrival of renewed Commissions from England, previous to the expiration of six months, dating from the demise of His late Majesty. In consequence of this suggestion, the Governor in Chief directed the Executive Council to assemble, when it was resolved, (His Excellency being present,) to refer the question to the Judges and Law Officers of the Crown for their opinion. With the exception of two of the Judges, who stated that they did not consider themselves justified in pronouncing any opinion on the subject, the Judges and Law Officers of the

the Crown were unanimous as to the necessity of issuing the new Commissions; and the Governor in Chief acting in accordance with their opinions, directed the production of the new Commissions accordingly.

The view of this subject taken by the Judges and Law Officers of the Crown of this Province, is fully borne out by the tenor of the following letter addressed to the Governor in Chief by Mr. Hoy, Under Secretary of State for the Colonial Department, dated the 8th of December, 1830, and received on the 17th ultimo:—

“ I am directed by Lord Goderich, to transmit to Your Lordship herewith, renewed Commissions for the Judicial Establishment of Your Government, which His Majesty's Accession has rendered necessary. The renewed Commissions for the Civil Establishment, which may be required, will be forwarded to Your Lordship as soon as they shall be prepared.”

In regard to the Copies of any opinions in possession of the Government of this Province, on the subject of the renewal of Commissions held under His Majesty's Government in this Province during pleasure, the Governor in Chief has to observe that the only documents answering to the above description in his possession, are the opinions of the Judges and Law Officers of the Crown, above alluded to, and to the production of such documents he entertains strong objections, unless required for some object of great public interest.

The House of Assembly can alone form a judgment of the magnitude and importance of the object which they have in view, and whether the production of the documents in question is necessary to the attainment of that object; and the Governor in Chief having put the House of Assembly in possession of his sentiments, in regard to the production of those documents, has only to add, that if the House of Assembly shall think proper to apply for them, they shall be produced.

A.

Castle of St. Lewis,
Quebec, 9th February, 1831.

[Q]

BY THE KING.

A PROCLAMATION.

Requiring all Persons being in Office of Authority or Government, at the decease of the late King, to proceed in the Execution of their respective Offices.

WILLIAM, R.

Whereas by an Act made in the sixth year of the Reign of Her late Majesty Queen Anne, intituled, “ An Act for the security of Her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line,” it was enacted that no office, place or employment, Civil or Military, within the Kingdoms of Great Britain or Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, and Sark, or any of Her Majesty's Plantations, should become void by reason of the demise of Her said late Majesty, Her Heirs or Successors, Kings or Queens of this Realm, but that every person and persons in any of the offices, places and employments aforesaid, should continue in their respective offices, places and employments, for the space of six months next after such death or demise, unless sooner removed and discharged by the next Successor to whom the Imperial Crown of this Realm was limited and appointed to go, remain and descend: And whereas by

the Third year of the Reign of His Majesty King George the Third, intituled, “ An Act to amend and alter the Statute in that behalf made, relating to the place or employment, Civil or Military, of any person or persons in the United Kingdom of Great Britain and Ireland, the Dominion of Wales, Town of Berwick-upon-Tweed, the Isles of Jersey, Guernsey, Alderney, Sark, or Man, or any of His Majesty's Colonies or Plantations, which he or she should possess or exercise, during the pleasure of the said King or Queen, until removed or discharged therefrom by the succeeding King or Queen of this Realm,” it was enacted, that all and every person and persons who, upon the day of the demise of His said late Majesty, should hold any office, Civil or Military, under the Crown during pleasure, should under and by virtue of the said Act, and without any new or other Patent, Commission, Warrant, or Authority, continue and be entitled in all respects, notwithstanding the demise of His said Majesty, to hold and enjoy the same, but, nevertheless, the same should be held or enjoyed only during the pleasure of the King or Queen, who should succeed to the Crown upon the demise of His said late Majesty, and the right and title to hold and enjoy the same, under the authority of the said Act, should be determinable in such and the like manner by the King or Queen, who upon the demise of His said late Majesty, should succeed to the Crown, as the right or title to any office, place or employment, granted by such succeeding King or Queen during pleasure, would by Law be determinable: We therefore, with the advice of our Privy Council, declare our Royal Will and Pleasure to be, and do hereby direct and command, that all and every person and persons who, at the time of the demise of Our late Majesty King George the Third, of glorious memory, duly and lawfully held, or were duly and lawfully possessed of or invested in any office, place or employment, Civil or Military, within Our United Kingdom of Great Britain and Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, Sark, or Man, or any of our Foreign Possessions, Colonies or Plantations, do severally, according to their places, offices, or charges, proceed in the performance and execution of all duties belonging to their respective offices, whilst they shall hold the same respectively during our pleasure; and we do hereby require and command all our loving subjects to be aiding, helping and assisting at the commandment of the said Officers and Ministers, in the performance and execution of their respective offices and places, as they and every of them under our utmost displeasure, will answer the contrary at their peril.

Given at Our Court at St. James', this twenty-eighth day of June One thousand eight hundred and thirty, and in the First year of Our Reign.

GOD SAVE THE KING.

A true Copy,
J. B. GLEGG,
Secretary.

[R.]

AYLMER,

GOVERNOR IN CHIEF,

The Governor in Chief, willing to obviate the delay which must necessarily take place in copying for the use of the House of Assembly the opinions of the Judges and Law Officers of the Crown, regarding the renewal of Commissions held from His Majesty's Government in this Province

Province during pleasure, with
 's day, the House of Assem
 furnished, His Excellency now tra
 in original, and requests that they
 when no longer required by the Hous

The Governor in Chief also trans
 ter addressed by his order to the Attorne
 Civil Secretary, directing him to prepar
 Draughts of such Commissions as ceased
 effect after the expiration of six months fr
 of His late Majesty *George* the Fourth.

The Governor in Chief is not aware of any further
 proceedings which have taken place in respect to the re-
 newal of Commissions more than the actual issue of the
 said renewed Commissions, in pursuance of the directions
 communicated to the Attorney General by the Civil Se-
 cretary, above referred to.

Castle of *St. Lewis*, }
 Quebec, 12th February, 1831. }

The following are the Documents (Nos. 1 to 14) referred
 to in the preceding Message:—

No. 1.

(Copy.)

Circular.

CASTLE OF ST. LEWIS,
 Quebec, 7th December, 1830.

SIR,

I am commanded by His Excellency the
 Administrator of the Government, to request you will
 report, with all practicable dispatch, for His Lordship's
 information, what effect, (in your opinion,) the demise
 of His late Majesty *George* the Fourth, will have on
 the Commissions of Public Officers in this Province, af-
 ter the lapse of six months from that event, and whether
 a renewal of such Commissions will be of indispensable
 necessity before the expiration of the said period of six
 months.

I have the honor to be,
 &c. &c. &c.

(Signed) J. B. GLEGG,
 Secretary.

To the Judges and Law Officers
 of the Crown in *Lower-Canada*.

True Copy.

(Signed) J. B. GLEGG,
 Secretary.

No. 2.

(Copy.)

CASTLE OF ST. LEWIS,
 Quebec, 9th December, 1830.

SIR,

I am commanded by His Excellency the Ad-
 ministrator of the Government to request you will pre-
 pare, with all practical despatch, the necessary Draughts
 of such Commissions as will cease to be of legal effect
 at the expiration of six months after the demise of His
 late Majesty *George* the Fourth, commencing with such
 as in your superior wisdom may be considered the most
 essential for the exigencies of the public service.

I have the honor to be,
 &c. &c. &c.

(Signed,) J. B. GLEGG,
 Secretary.

Honble. *J. Stuart*,
 Attorney General.

No. 3.

Quebec, 7th December, 1830.

I have had the honor to receive your letter
 of this day, respecting the effect of the demise of His late
 Majesty upon the Commissions of Officers in the Colo-
 nies, and in answer, beg leave to state for His Lord-
 ship's information, that in my opinion, every Commis-
 sion issued in this Province in the name of the late
 King, will be determined at the expiration of six months
 next his death, and that the same rule must obtain in
 the instances of Commissions issued in the name of His
 Royal Predecessor *George* the Third.

By the Common Law, all Commissions were deter-
 mined by the death of the King; and to remedy the
 inconveniences which this principle produced in prac-
 tice, it was enacted by the 8th section of the Statute
 6th *Anne*, cap. 7th, that every person and persons in
 any office, place or employment, in any of Her Ma-
 jesty's Plantations, shall continue in their respective
 offices, places and employments "for the space of six
 months next after the death or demise of Her Majesty,
 Her Heirs or Successors, unless sooner removed or dis-
 charged," and this is the law of *Canada* in consequence
 of the last clause of the 14th *Geo.* III. cap. 83, and
 the 33d section of 31st *Geo.* III. cap. 31.

A Statute, (57th *Geo.* III. c. 45,) was passed in the
 year 1817, to continue in the Colonies all persons in
 their respective offices, unless they should be removed
 or discharged by His Majesty *George* the Fourth; and
 by this Act, upon His accession to the Throne, the ope-
 ration of the Statute of *Anne* was prevented; but no
 provision was made by the 57th *Geo.* III. c. 45, as to
 the Accession of any subsequent Sovereign, nor was any
 Statute upon this subject passed in the Reign of *George*
 the Fourth.

From the facts stated it must be obvious that the
 Statute of *Anne* will take effect at the expiration of six
 months from the demise of His late Majesty, and as it
 must of course be obeyed, new Commissions in the name
 of His present Majesty will be of indispensable neces-
 sity.

I have the honor to be,

Sir,

Your obedient servant,

J. SEWELL.

Col. *Glegg*, Secretary, &c.

No. 4.

Quebec, 10th December, 1830.

Sir,

In answer to the question proposed to me by
 His Excellency, the Administrator of the Government,
 I have the honor to state my opinion, that in the legal
 construction of the 8th section of the Statute 6th *Anne*,
 cap. 7, (which is the only Statute now in force relating
 to the subject,) the Commissions of all the Public Ser-
 vants in this Province continue in force until the expira-
 tion of six months after the demise of His late Majesty
 was made known by Proclamation, that is, from the 30th
 August last.

It is in my opinion, a misapprehension that all Statutes
 must necessarily have a literal interpretation, for it has

been settled law ever since the Reign of *Edward* 6th, that the intention of the makers of a Statute is a good rule and guide in the construction of it—*Plowden*, pages, 53, 57, 225, 231, 464: So where the words of Statutes which are made for the benefit and advantage of the King, shall be construed in such sense as is most beneficial for the King.—*Ibid* p. 10.

The Preamble and enacting clauses of the Statute of *Queen Anne* shew, that it was the intention of the Legislature of that day to provide equally, for the security of all His Majesty's Dominions, both at home and abroad, and in order to prevent the mischief which would arise from the authority of the Civil and Military Officers ceasing at the demise of the Crown, it provided that their authority should be continued for six months after the event.

It would therefore in my apprehension, destroy that equality between all parts of the Empire which the Legislature had in view, by giving such construction to this Statute, and would restrain the application of that remedy which was intended to be applied to the mischief contemplated: Indeed in some distant part of the Empire, it might so happen that the six months might elapse before the demise of the Crown could be made known, and thus by a literal interpretation the very mischief would occur which it was the object of the Legislature to provide against.

But the authorities are not confined to those cited by *Plowden*, for *Lord Coke* in his first Institute, p. 24, says, "By an equitable construction a case not within the letter of a Statute is sometimes holden to be within the meaning, because it is within the mischief for which a remedy would be provided. The reason for such construction, is, that the law-maker could not set down every case in express terms."

Comyn in his Digest, *verbo*, Statute, page 386, (a book of high authority,) informs us that "In some cases the letter of an Act of Parliament is restrained by an equitable construction, in others it is enlarged, in others the construction is contrary to the letter."

If the Statute of *Anne* had used the word *natural* before the words "death or demise of the King," I might have been of a different opinion; but in absence of this word, I think, that in all His Majesty's Colonies and Plantations, the construction to be applied to these words is the *legal* demise of His late Majesty, and not his *natural* demise, and that is the day on which it was announced by Proclamation with this Province.

I have the honor to be, Sir,
Your most obedient
humble servant,

J. KERR.

Mr. Secretary Glegg.

No. 5.

Quebec, 9th December, 1830.

SIR,

In answer to your letter of the 7th instant, requiring me, by desire of His Excellency the Administrator of the Government, to report what effect (in my opinion) the demise of His late Majesty *George* the Fourth, will have on the Commissions of Public Officers, after the lapse of six months from that event, and whether a renewal of such Commissions will be of indispensable necessity before that period. I have the honor to state that according to the Statute of the sixth

of *Queen Anne*, Cap. 7, Section 8, the Commissions of Public Officers as well of the Colonies and Plantations shall continue in force for the space of six months following the demise of the King. This Act is extended to the Province of *Quebec*, by the Act of the 31st *George* III. Cap. 83, Section 18—and to the Province of *Canada*, by the Act of the 31st *George* III. Cap. 33, Section 33.

The Act of the 57th *George* III. Cap. 45, relates only to the Reign of the immediate Successor to His Majesty *George* III. and derogates in nothing from the Statute of *Queen Anne*, relating to Commissions, so that the Act of *Queen Anne*, remains in full force. The only difficulty is to know whether the six months should commence from the day of the natural death of His late Majesty *George* the Fourth, (the 26th June,) or from the day on which His present Majesty was proclaimed (the 30th August,) the day of his legal demise (*demission legal*.) I am of opinion that it would be more prudent to renew the Commissions before the 26th December instant, the day on which six months will have expired, since the natural death of His late Majesty, so as to avoid any doubt that may be finally raised if the Commissions were not renewed till after that period.

I have the honor to be, Sir,
Your very humble and
obedient servant.

J. T. TASCHEREAU.

Lieutenant-Colonel Glegg, }
Civil Secretary. }

No. 6.

To His Excellency *Matthew* Lord *Aylmer*, G. C. B.
Administrator of the Government of the Province
of *Lower-Canada*, &c. &c. &c.

May it please Your Excellency,

Having been honored with your commands as signified in Mr. Secretary *Glegg's* letter of the 7th Decr. instant, that I should report for your Lordship's information, what effect, (in my opinion,) the demise of His late Majesty *George* the Fourth, will have on the Commissions of Public Officers in this Province after the lapse of six months from that event, and whether a renewal of such Commissions will be of indispensable necessity before the expiration of the said period of six months, I have now the honor to state, that by virtue of the Statutes 1st *Anne*, Cap. 8, and 6th *Anne*, Cap. 7, passed to remedy the inconvenience felt under the common law, by which all Commissions both Civil and Military, were determined immediately upon the demise of the Crown; it was enacted that the Parliament of *England* should not be dissolved by the demise of the Crown, but should continue for six months from the date of that event, and that all Commissions Civil and Military, as well in *England* as in the Colonies and Plantations, should not be determined by the demise of the Crown, but should likewise continue and be in force for six months from the Royal demise.

It does not appear that any Statute has been passed in the last Session of the Imperial Parliament prior to the demise of His late Majesty *George* the Fourth, providing for the present contingency, as was the case during the Regency, by the Statute 57, *George* III. Cap.

Cap. 45, and it follows as a necessary consequence, that a renewal of the Commissions of Public Officers in this Province must take place, unless a Statutory Provision shall be passed and in force at the time, declaring that no Commission, either Civil or Military, shall be taken or adjudged to cease by the demise of His late Majesty, similar in its provisions to the Statute 1, *Anne*, Cap. 8, passed in the 5th year of the demise of His Majesty *William* the Third.

The only question in my mind which can now arise, is whether the six months are to be computed in the Colonies from the day of the demise of the Crown in *England*, or from the day upon which that event was officially notified in this Province, namely by the Proclamation of the 30th August last; and I am strongly inclined to the opinion, that the six months ought to count in the Colonies not from the day of the demise, but from the date of the Royal Proclamation; otherwise if the official accounts should not reach the Colony within the six months, the benefit of the Statute would not there be felt, and there would be an interval of time, however short, in which Government would be deprived of its Officers; nay more, if the intelligence did not arrive until after the expiration of the six months there would then be no competent authority, if all offices necessarily ceased in the Colonies, however remote, at the expiration of six months from the demise, to renew the Commissions or perform any other act of Government. Should the slightest doubts, however, be entertained as to the precise period from which the demise of the Crown is to be computed in the Colonies, the Statute being silent thereon, it will be the safest and by far the most advisable course to issue new Commissions without delay.

All which is very humbly submitted
by your Excellency's most obedient
humble servant,

EDWARD BOWEN,

No. 7.

Quebec, 9th December, 1830.

SIR,

I have been honored with the commands of His Excellency the Administrator of the Government, requesting me to report with all practicable despatch for His Lordship's information, what effect, in my opinion, the demise of His late Majesty *George* the Fourth, will have on the Commissions of Public Officers in this Province after the lapse of six months from that event, and whether a renewal of such Commissions will be of indispensable necessity before the expiration of the said period of six months, and in obedience thereto I have the honor to submit my opinion for the information of His Excellency.

This very subject having been under my consideration in March 1820, with other matters connected therewith, in consequence of the demise of His late Majesty *George* the Third, I take the liberty in the first place to transmit for His Lordship's information, the copy of a Report made by me to the President and Administrator of the Province at that period, whereby His Lordship will see what my opinion was at the time, relative to the effect the demise of the Crown had in the Legislative and Executive Branches of the Provincial Government, having fully entered on the subject at the time; and I next proceed to answer the question now submitted namely:—

What effect the demise of His late Majesty will have

on the Commissions of Public Officers in the Province, after the lapse of six months from that event, and whether a renewal of such Commissions will be of indispensable necessity before the expiration of the said period of six months.

By the Common Law, all Offices Civil and Military become void by the demise of the King, but this principle has been modified by Statute law, and namely, by the 1st. *Anne*, Cap. 8, Sec. 1, which Statute extends to His Majesty's Dominions in *America* and elsewhere, (Sec. 6;) it is under the provisions of this latter Statute that all Public Functionaries continue in office in this Colony during the continuance of the six months to be computed from 26th June last, day of the demise of the late King. To provide against a similar inconvenience, a Statute was passed in *Great Britain*, in the 57th year of the Reign of *George* III. Cap. 45, whereby it is enacted "that all and every person and persons who upon the day of the demise of His present Majesty, (whom *God* long preserve,) shall hold any office Civil or Military under the Crown during pleasure, shall under and by virtue of this Act, and without any new or other Patent, Commission, Warrant or authority, continue and be entitled in all respects, notwithstanding the demise of His Majesty, to hold and enjoy the same, &c." but this Statute, was only remedial for the succeeding Reign, (*George* the Fourth), and in other particulars, left the law as it stood before.

My opinion is therefore that the effect of the demise of His late Majesty *George* the Fourth is such, that all Commissions of Public Officers in the Province, after the lapse of six months from that event, will become void, and that a renewal of such Commissions is of indispensable necessity; what is the most easy and expeditious mode of renewing such Commissions, may be a matter of some importance, but I am not called upon to answer the question.

This report is humbly submitted by

Sir,

Your very obedient and
humble Servant.

G. VANFELSON.
Advocate General.

Lieutenant Colonel *Glegg*, }
Civil Secretary. }

No. 8.

Quebec, 8th December, 1830.

SIR,

I have been honored with the commands of His Excellency the Administrator of the Government signified in your Letter of the 7th instant, requiring me to report, with all practicable despatch, for His Lordship's information, what effect in my opinion, the demise of His late Majesty *George* the Fourth, will have on the Commissions of Public Officers in this Province, after the lapse of six months from that event, and whether a renewal of such Commissions will be of indispensable necessity, before the expiration of the said period of six months.

In obedience to His Excellency's commands, I have the honor to state that, according to the strict rule of the Common Law, the Commissions of Public Officers in this Province, which were in force at the time of the demise

demise of His late Majesty *George* the Fourth, have been determined by that event. But the Common Law has been modified by the Statute 7th & 8th *William* III. to the Statute 1st *Anne*, chap. 8. Commissions will continue in force for six months after the period of His late Majesty's demise. And the Statute 1st *Anne*, chap. 8, will have the same effect, in determining the Commissions of Public Officers, which it would have had at His late Majesty's demise if the Legislative Enactment now referred to had not been made. I am therefore humbly of opinion that in the absence of any Legislative provision for a further or permanent continuance of Officers in their respective offices, the Commissions of Public Officers in this Province, by the demise of His late Majesty, will be determined at the expiration of six months from that event; and that a renewal of them before this period elapses, will be of indispensable necessity, to prevent any interruption, or supposed interruption, in the continued legal exercise of their functions.

I have the honor to be,
Sir,
Your most obedient humble Servant,

J. STUART,
Atty. General.

Lt. Col. *Glegg*,
Secy., &c. *Quebec*.

No. 9.

Montreal, 11th *December*, 1830.

Sir,

In obedience to the reference made to me by your letter of the 7th inst. requesting that I would report for the information of His Lordship what effect in my opinion the demise of His late Majesty King *George* the Fourth, will have on the Commissions of Public Officers in this Province, after the lapse of six months from that event, and whether a renewal of such Commissions will be necessary from and after the expiration of that period of six months, I have the honor to report as my opinion in this respect: That by the Common Law of *England*, all Commissions issued in the name of the King, ceased and determined by his death, and all Writs and Process in the Courts of Justice abated or discontinued. To remedy this inconvenience, the Statute 7th & 8th *William* III. chap. 27, was passed, by which these Commissions, Writs and Processes, were continued for six months after the death of the King. The provisions of this Statute were afterwards extended to the Colonies by Statute 1st *Anne*, chap. 8, rendering it thereby a general law throughout the several Dominions of the Empire. These Commissions being from matter of convenience extended and continued for six months after the demise of the King, must therefore necessarily cease and determine from and after the expiration of that period, as the Common Law principle will then take effect. If any exception could be made to this principle, it would be in regard of the Commissions of the Judges, as by the Statute 1st *Geo.* III. chap. 23, it is enacted that their Commissions shall continue and remain in full force, notwithstanding the demise of His Majesty, or any of His Heirs or Successors; but in my opinion, this Statute does not extend to the Colonies, not only from the particular provisions it contains, which are applicable in *England* only, but also, from the similar necessity there appears, that to give effect to this Statute in the Colonies, it

expressly extended thereto, on the ground that it was found necessary to extend the Statute of the 7th & 8th *William* III. to the Colonies by the Statute 1st *Anne*, chap. 8. I am therefore of opinion, that six months after the demise of His late Majesty King *George* the Fourth, the Commissions of the Public Officers in this Province will cease to have effect, and ought to be re-

All which is however humbly submitted to the consideration of His Excellency Lord *Aylmer*, by

Sir,
Your most obedient Servant,

Js. REID. Ch. J.
K. B. *Montreal*

Lt. Col. *Glegg*,
Secy. &c. *Quebec*.

No. 10.

Montreal, 15th *December* 1830.

Sir,

I have had the honor to receive your Letter of the 7th instant, conveying to me His Excellency Lord *Aylmer's* request, that I should report with all practicable dispatch, for His Lordship's information, what effect, in my opinion, the demise of His late Majesty *George* the Fourth will have on the Commissions of Public Officers in this Province, after the lapse of six months from that event; and whether a renewal of such Commissions will be of indispensable necessity upon the expiration of the said period of six months; and I have now the honor most respectfully to submit for His Lordship's consideration, and to state, that I feel much regret, I cannot, after every consideration on my part, and consistently with my present view of my judicial duties, give, *extra-judicially*, the desired opinion; as should a contrary of opinion prevail in regard to the subject matter now referred, it is to be apprehended that either directly or indirectly, the question may come before the Courts for Judicial decision, when it will be the duty of the Judges to declare that having already given an extra-judicial opinion, they had thereby disqualified themselves from sitting and deciding thereon. The great powers vested in the Courts of this Province, and the peculiarly extensive jurisdiction they exercise, render the duties which Judges are called upon to perform as delicate as they are important, and here, more perhaps than in any other portion of the Dominions of our Sovereign, does the necessity exist of keeping the minds of Judges free from every possible bias, and that of the public from even a suspicion of the existence of any such bias in cases that may come before the Courts for judicial decision; it being of the utmost importance that the public confidence should not be withdrawn from the Courts of Justice, or weakened, under an impression that extra-judicial opinions may have been given by the Judges, for the want of this confidence might operate injuriously to the interests of His Majesty's Government, which are best supported by an observance of a rigid impartiality in the administration of justice, and which, I am satisfied, His Lordship would not only look for, but require from the Judges of this Province. I therefore through you, Sir, most respectfully submit

to



to the wisdom and consideration of
 my humble view of the duty
 to request he would have the good
 excuse me from giving any extra
 the subject matter referred to me;
 to request you will do me the favour
 ship, that a sense of duty has alone
 the humble request now made, wherein
 unintentionally erred, I rely with the
 dependence on the kind indulgence and consideration of His
 Lordship, who is so well qualified to judge and appreciate the motives which have influenced me.

I have the honor to be,
 Sir,
 Your very faithful, and very
 obedient Servant,

GEORGE PYKE,
 J. K. B.

Lieutenant Colonel Glegg,
 Secretary, &c., &c.

No. 11.

Montreal, 13th December 1830.

Sir,

I have the honor of acknowledging the receipt of your Letter of the 7th instant, requiring on the part of His Excellency the Administrator of the Government, my opinion as to the effect of the demise of His late Majesty George the Fourth, on the Commissions of Public Officers, and on the necessity of renewing them; and in answer, I have to express my regret, to be under the necessity of requesting His Excellency to accept of my apology for not complying with his wishes, being under an impression that, thus giving an opinion upon a matter which may come before me in my judicial capacity, would be inconsistent with the duties of my office. I owe it to His Excellency to explain my motives, and do hope that they will be appreciated, even if I am thought in error. I consider that here, the Judges should not be the advisers of Government measures under any circumstances. There are few instances in England where extra-judicial opinions have been asked by the King from his Judges, and none, I believe of late, nor do I see that any questions were ever asked touching Government measures to be adopted; the Crown Lawyers being referred to in such cases. It may have been otherwise in the Colonies.

I am aware that it is considered as a constitutional principle, and so laid down in books, that one of the Councils of the King are his Judges of the Courts of Law, for Law matters; but this principle has been explained so as not to compromise or violate the rigid impartiality as well as independence of the Judges, nor to obtain from them extra-judicial opinions, on matters which may be the subject of legal discussion in their Courts. It is because I foresee that the present question may come before the Court, that I beg to be excused from expressing my sentiments.

I intend soon to go to Quebec, and will do myself the honor to wait on His Excellency, when I may have an opportunity of explaining further; I feel the necessity of it, to justify me in declining to give to the Executive my opinion on a matter of public interest.

require it the more, as other more learned Judges
 view the thing in a different light.
 I trust myself however, that His Excellency will
 be free from any scruples (if so they may be called,) as at-
 tending to no other cause than a desire on my part
 to discharge the duties of my office for the best advantage
 of the Government itself.

I have the honor to be,
 Sir,
 Your most obedient and
 very humble Servant,

J. R. ROLLAND.

Lieutenant Colonel Glegg,
 Secretary, &c., &c.

No. 12.

Sherbrooke, 16th December 1830.

Sir,

I have to acknowledge the receipt, by this day's post, of your Letter of the 7th instant, requesting, on the part of His Excellency the Administrator of the Government, that I will state my opinion respecting the effect which the demise of His late Majesty George the Fourth, will have on the Commissions of Public Officers in this Province, after the lapse of six months from that event; and whether a renewal of such Commissions will be of indispensable necessity before the expiration of the said period of six months.

The question appears to me to be not wholly unattended with difficulty, and when it is considered that it is my lot to execute the duties with which I am charged in a very remote and sequestered part of the country, that I am at present without any opportunity of consultation with my colleagues, and devoid of that assistance which we are in the habit of deriving when sitting in Court, from the talents and researches of the Bar; and that I have but a few hours to answer your letter, it will scarcely be regarded as extraordinary, if, under such circumstances, I offer my opinion on the subject with no small degree of diffidence.

I am disposed to think that by the Common Law both of England and France, all offices granted by the Sovereign, during the Royal pleasure, which is the case with all our offices in this Province, become void on the demise of the Crown; and that such continued to be the Law throughout the British Dominions, until the passing of the Statute 7th and 8th Will. 3, cap. 27. The saving clause in the 21st section of this Statute with regard to "Commissions," and that in the subsequent Statute 1st Anne, cap. 8, sec. 2, with regard to "Patents and Grants of Offices," by which they are respectively directed to continue in force for six months after such an event, appear to me to have been introduced merely for the purpose of obviating, in a certain degree, the many inconveniences which must, of necessity, have occurred in the antecedent state of things, and to have left the law standing, in other respects, as it did before.

The Patents of the Judges of England do not require any renewal on the demise of the Crown, it being directed by the Statute 1st Geo. III. cap. 28, that their offices shall continue permanent notwithstanding any such event; but this has no reference to the Colonial Functionaries.

My own series of the British Statutes, which is certainly the only one within ninety miles, is not complete to the present time; so that it is possible that there may

exist some Act of a more recent date than any which I possess, to obviate the necessity of the renewal of the whole of the Commissions in this Province; had the means of doing so, I should certainly have performed my duty to ascertain whether this be the case, before I ventured to offer one syllable on the subject. Supposing, however, that there are no other Statutes relating to this matter, than those which I have already mentioned, I am of opinion that there does exist a necessity for the renewal of the whole of the Commissions which are of such a description as I have before mentioned.

A Proclamation in His Majesty's name, under the Seal of the Province, might, probably, be so framed as to have the effect of continuing, during pleasure, either the whole of the Provincial Commissions, Letters Patent, &c. which might be in force at the time when it issued, or such of them as might be therein particularly designated and described; but as I do not, at this moment, recollect any instance exactly of this nature, I conceive that the actual renewal of each individual's Commission may be the safest course.

I have the honor to be,
Sir,
Your most obedient Servant,

J. FLETCHER.

Lieut. Col. Glegg,
Principal Secretary,
&c. &c. &c.

No. 13.

To His Excellency the Right Honorable *Matthew Lord Aylmer*, K. C. B., Lieutenant General and Commander in Chief of His Majesty's Forces, and Administrator of the Government, &c. &c. &c.

May it please Your Lordship,

In compliance with Your Lordship's request, conveyed to me in a letter from Lieutenant Colonel *Glegg*, of the 7th December instant, I have the honour to report for the information of Your Lordship:—

That by the Common Law of *England*, all Commissions and Offices were vacated by the demise of the Crown. But this general determination of offices upon the death of the Sovereign being attended with great inconvenience, several Statutes have been made to modify the Common Law in this particular.

Those Statutes are 7th and 8th *William III.* chap. 27, 1st *Anne*, Stat. 1, chap. 8, and 6th *Anne*, chap. 7. The latter Statute enacts thus, (section 8,) "nor shall any office, place or employment, civil or military, within the Kingdoms of *Great Britain* or *Ireland*, Dominion of *Wales*, Town of *Berwick-upon-Tweed*, Isles of *Jersey*, *Guernsey*, *Alderney* or *Sark*, or any of Her Majesty's Plantations, become void by reason of the demise or death of Her present Majesty, Her Heirs or Successors, Queens or Kings of this Realm, but every person and persons in any of the offices, places or employments aforesaid, shall continue in their respective offices, places and employments, for the space of six months next after such death or demise, unless sooner removed and discharged by the next in succession."

This Act and all Acts of Parliament respecting the Colonies were expressly introduced into our Provincial Legislation by the British Statute 14th *Geo. III.* chap. 88, section 18.

I am therefore of opinion, that all Commissions held in this Province at the time of the demise of the Crown,

of His Majesty King *George* the Fourth, will, by the mere lapse of six months from the death of His Majesty, be void, unless the renewal of those Commissions be made, which is probably necessary before the expiration of the said period of six months.

I am, Sir, as Resident Judge of this District, of opinion, that I think, on a different footing from all the other Provincial Judges, who were appointed Provincial Judge on the 13th day of December, 1799, under the authority of the Provincial Statute 34th *Geo. III.* chap. 6. In the ensuing Session of the Provincial Legislature, an Act was passed (10th and 11th *Geo. IV.* chap. 22,) by which the office of Provincial Judge at *Three-Rivers* was abolished, and it was enacted that the Provincial Judge appointed under the repealed provisions of the Statute 34th *Geo. III.* chap. 6, namely, myself, should be to all intents and purposes, a Judge of the Court of King's Bench, and should be called the Resident Judge of the District of *Three-Rivers*.

That Act is my only Commission as Resident Judge of the District of *Three-Rivers*, and as the Acts of the Legislature are not repealed by the demise of the Crown, I am of opinion that a renewal of my Commission is not required.

All which is nevertheless humbly submitted, by
Your Lordship's

Most obedient and
most humble servant,

VALLIERES DE ST. REAL,
Resident Judge.

Three-Rivers, 9th Decr. 1830.

No. 14.

Montreal, 11th December, 1830.

SIR,

In obedience to the commands of His Excellency the Administrator of the Government, with which I have been honoured, desiring that I should report for His Lordship's information, what effect (in my opinion) the demise of His late Majesty *George* the Fourth, will have on the Commissions of Public Officers in this Province after the lapse of six months from that event, and whether a renewal of such Commissions will be of indispensable necessity before the expiration of the said period of six months, I have now the honor to report to His Lordship my opinion upon the matters thus submitted to me.

According to the undisputed principles of the Common Law of *England*, the demise of the Crown determined all Patents and Commissions of every kind which had been issued or granted before the occurrence of such event.

No Legislative enactment that I can find was made to modify the rule of the Common Law, until the Statute of 7th and 8th, *William III.* cap. 27, which enacts, "That no Commission, either Civil or Military, shall cease, determine or be void, by reason of the death or demise of His present Majesty, or of any of His Heirs or Successors, Kings or Queens of this Realm, but that every such Commission shall be, continue and remain in full force and virtue, for the space of six months next after any such death or demise unless in the mean time superseded, determined or made void by the next and immediate Successor,"

this Act did not embrace within its operation. At a 1st Statute, 1st Anne, cap. 8, made on this head. The 2d clause acts " that no Patent or Grant of employment, either Civil or Military, made, shall cease, determine or be the death or demise of Her present of Her Heirs or Successors, Kings or Realm, but that every such Patent or Grant continue and remain in full force and virtue for the space of six months next after any such death or demise, unless in the mean time superseded, &c."

And by the sixth section the provisions of the Act are extended " to all Her Majesty's Dominions in America and elsewhere." Lastly by the Statute 6th, Anne, cap. 7, sec. 8, it is enacted " that no Office, Place or Employment, Civil or Military, within the Kingdoms of Great Britain or Ireland, &c. &c. or any of Her Majesty's Plantations, should become void by reason of the demise or death of Her Majesty, Her Heirs or Successors, Queens or Kings of the Realm, but that the person and persons in the said Offices, Places and Employments, should continue in their respective Offices, Places and Employments for the space of six months next after such death or demise, unless sooner removed or, &c. &c."

The Prerogative of His Majesty, as the fountain of Justice and of Office, being one of the transcendent Prerogatives of the Crown, and as such regulated by the Law of England, it is clear that the rules of that Law as to the effects of the demise of the Crown upon Commissions and Patents, must be in force in this as in all the Colonies of the Empire. And, although the modifications of the rule of the Common Law above adverted to, were created by the Statutes 1st Anne, and 6th Anne, passed before the conquest of this Colony, yet they must be considered as forming part of the Law of Lower-Canada, inasmuch as the Imperial Parliament, by its Statute 14 Geo. III, cap. 81, sec. 38, enacted that all Acts of Parliament before that time made, concerning and respecting the Colonies and Plantations, should be, and were thereby declared to be in force within the Province of Quebec, of which Lower Canada forms part.

Such being the state of the Law on this subject, I am of opinion that all Commissions held by Public Officers in this Province, will cease and be determined, so soon as the period of six months from and after the demise of His late Majesty King George the Fourth, shall have elapsed, and that as His Majesty cannot continue those Commissions by His Royal Proclamation, it is indispensably necessary that they be renewed before the expiration of the said space of six months.

I have the honor to be,

Sir,

Your most obedient Servant,

C. R. OGDEN,

Solicitor General.

Lieutenant Col. Glegg,
Secretary, &c. &c. &c.

[S.]

Province of }
Canada ; }

(Signed,) AYLMER.

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

To all to whom these presents shall come, or whom the same may concern - Greeting : -

FIAT.
Recorded in the Registrar's Office of Records at Quebec the 10th day of Decr. 1830, in the Twelfth Register of Letters Patent and Commissions, Folio 178.

(Signed) D. DALY,
Regr.

KNOW YE, that reposing trust and confidence in the loyalty, knowledge, integrity, and ability of our beloved and faithful Joseph Remi Vallières de Saint Réal, of our Town of Three-Rivers in our District of Three-Rivers, Esquire, late our Provincial Judge for our said District of Three-Rivers : We of our especial Grace, certain Knowledge and mere motion, have assigned, constituted, and appointed, and by these presents do assign, constitute, and appoint the said Joseph Remi Vallières de Saint Réal to be our Resident Judge of our said District of Three-Rivers : To have, hold, exercise and enjoy the said office of Resident Judge of our said District of Three-Rivers, together with all and every the powers, authority, rights, privileges, profits, emoluments, and advantages to the said Office appertaining, and which of right ought to appertain to the same, unto him the said Joseph Remi Vallières de Saint Réal, for and during our Royal pleasure and the residence of the said Joseph Remi Vallières de Saint Réal in our said Province of Lower-Canada, and in all things according to Law. IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province of Lower-Canada to be hereunto affixed : WITNESS our right trusty and well-beloved Matthew Lord Aylmer, Knight Commander of the most Honorable Military Order of the Bath, Lieutenant General and Commander of all our Forces in the Provinces of Lower-Canada and Upper-Canada, &c. &c. ; and Administrator of the Government of our said Province of Lower-Canada : At our Castle of Saint Lewis, in our City of Quebec, in our said Province, the Tenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the First year of Our Reign.

(Signed,) D. DALY,

Secy.

I do hereby certify the foregoing to be a true Copy of an Entry as on Record in the Registrar's Office of the Records at Quebec, in the Twelfth Register of Letters Patent and Commissions, Folio 178.

Secretary's Office,
Quebec, 14th February 1831.

D. DALY,

Secy. & Regr.

[S.]

[T.]

[T.]

Province of }
Lower-Canada.

(Signed,) AYLMER.

Commission appointing Edward Bowen, Esquire, one of the Justices of the Court of King's Bench for the District of Quebec.

WILLIAM THE FOURTH, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith:—

To all to whom these presents shall come, or whom the same may concern, Greeting:—

FIAT.

Recorded in the Registrar's Office of the Records at Quebec, the 7th day of Decr. 1856, in the twelfth Register of Letters Patent and Commissions, folio 54.

(Signed,) D. DALY, Regr.

KNOW YE, that having taken into Our Royal consideration the Loyalty, Integrity and Ability of you the said *Edward Bowen*, of our especial Grace, certain knowledge and mere motion, have assigned, constituted and appointed, and by these presents do assign, constitute and appoint you the said *Edward Bowen*, one of our Justices of our Court of King's Bench for our District of *Quebec* in our Province of *Lower-Canada*: To have, hold, exercise and enjoy the said Office unto you the said *Edward Bowen* for and during our pleasure, and your residence within our said Province of *Lower-Canada*, together with all and singular the Rights, Profits, Privileges and Emoluments unto the said Place and Office belonging, with full power all and every the Rights and Duties of a Justice of the said Court of King's Bench for the District of *Quebec* aforesaid, to exercise and perform in as full and ample a manner as the same by Law may or ought to be done: In Testimony whereof We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of *Lower-Canada* to be hereunto affixed. Witness Our Trusty and Well Beloved *Matthew Lord Aylmer*, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all our Forces in the Provinces of *Lower-Canada* and *Upper-Canada*, &c. &c. &c. and Administrator of the Government of Our said Province of *Lower-Canada*: At our Castle of *Saint Lewis*, in our City of *Quebec*, in Our said Province, the Seventh Day of December in the Year of Our Lord One thousand eight hundred and thirty, and in the First Year of Our Reign.

(Signed,)

D. DALY,
Secretary.

I do hereby certify the foregoing to be a true Copy of an Entry as on Record in the Registrar's Office of the Records at *Quebec*, in the twelfth Register of Letters Patent and Commissions, folio 54.

Secretary's Office,
Quebec, 14th February 1851.

D. DALY,
Secy. & Reg.

[V.]

(Signed,) AYLMER.

to be for the Inferior District of Saint Francis

WILLIAM THE FOURTH, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith:—

To all to whom these presents shall come, or whom the same may concern, Greeting:—

FIAT.

Recorded in the Registrar's Office of the Records at Quebec, the 10th day of December 1850, in the twelfth Register of Letters Patent & Commissions, folio 506.

(Signed,) D. DALY, Regr.

WHEREAS by an Act of the Parliament of Our Province of *Lower-Canada*, passed in the third Year of the Reign of Our late Royal Brother His Majesty King *George the Fourth*, intituled, "An Act to erect certain Townships therein mentioned into an Inferior District to be called the Inferior District of *Saint Francis*, and to establish Courts of Judicature therein;" It is among other things enacted that there shall be appointed a Judge in and for the Inferior District of *Saint Francis* by the said Act constituted and established, who shall hold a Provincial Court for the said Inferior District of *Saint Francis*, which shall have cognizance of, and have power to hear, try and determine, during the terms and in the manner in the said Act mentioned, exclusively of every Court, Judge or Tribunal whatsoever, every Suit or Action purely personal, wherein the amount claimed may not exceed Twenty Pounds Sterling, any Law or Statute heretofore in force in the said Province of *Lower-Canada*, to the contrary notwithstanding, as in and by the said Act, reference being thereunto had may more fully appear: Now, know ye that reposing especial Trust and Confidence in the Loyalty, Integrity, Knowledge and Ability of our Beloved and Faithful *John Fletcher*, of *Sherbrooke*, in our Inferior District of *Saint Francis* aforesaid, Esquire: We, of our especial Grace, certain knowledge and mere motion, in pursuance of the said Act hereinbefore in part recited, have assigned, constituted and appointed, and by these presents do assign, constitute and appoint the said *John Fletcher*, to be Judge in and for our said Inferior District of *Saint Francis* in our Province of *Lower-Canada*, and of and in our Provincial Court for our said Inferior District. To have, hold, exercise and enjoy the said Office of Judge in and for our said Inferior District of *St. Francis*, and of and in our said Provincial Court as aforesaid, together with all and singular the Powers, Authority, Rights, Privileges, Profits, Emoluments and Advantages to the said Office appertaining, and which of Right ought to appertain to the same, unto him the said *John Fletcher* for and during Our Royal Pleasure, and the residence of the said *John Fletcher* within Our said Province of *Lower-Canada*: In testimony whereof we have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of *Lower-Canada* to be hereunto affixed: Witness our Trusty and Well Beloved *Matthew Lord Aylmer*, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all Our Forces in the Provinces of *Lower-Canada* and *Upper-Canada*, and Administrator of the Government of Our said Province of *Lower-Canada*, &c. &c. &c. At Our Castle of *Saint Lewis*, in Our City of

of Quebec in Our said Province, in the Year of Our Lord one thousand and thirty, and in the Reign.

Records at Quebec, in the Twelfth Register of Let-
tents and Commissions, folio 206.

(Signed,)

D. DALY,

Secretary's Office,
Quebec, 14th February 1831.

D. DALY,
Secy. & Regr.

I do hereby certify the foregoing to be a true copy
of an Entry as on Record in the Registrar's Office of

[W.]

LIST of Commissions renewed paying no fees to the Secretary of the Province, which have been issued at his Office, in consequence of the demise of His late Majesty George the Fourth.

NAMES.	APPOINTMENTS.
Abbot Jonas and P. H. Moore,	Commissioners for the trial of small causes in the Seigniorship of St. Armand.
Amiot Pierre and Paschal Chagnon, Archambault Amable and Joseph Bilodeau, Allsopp G. Waters and Edward Hale,	do. do. in the Parish of Verchères. do. do. in the Parish of St. Hyacinthe. do. do. in the Parish of Cap Santé.
Bouchard Francis and Louis André Duchesnay, Brown Lawrence George, Boisseau Ignace, Brown Alexander, Jonathan Selby and Stephen Baker, Billings Ebenezer, Bonenfant Pierre, Boucher Frans. Xavier and Charles Chapais, Blanchard W. G., Thomas Barron and Chas. Benedict,	do. do. Parish of St. Joseph Maskinongé. do. do. Seigniorship of Beauharnois. do. do. Parish of St. Thomas. do. do. Township of Danham, do. do. Parish of St. Thomas. do. do. Seigniorship of Rivière du Loup. do. do. Parish of Rivière Ouelle. do. do. Seigniorship of Argenteuil.
Christie Robert,	To administer oaths to persons appointed to any office within the Province of Lower-Canada.
Coffin Thomas and Joseph Badeaux, Cuthbert the Honble. James,	Do. Do. Commissioner for the trial of small causes in the Seigniorship of Berthier.
De Rocheblave Pierre, Fredk. A. Quesnel and John Try, Davidson John, Edward Hale, Joseph Roy and Richard Lilliot,	Commissioners for building a common gaol at Montreal. Board of Examiners of persons to be appointed Inspectors of Flour and Meal, District of Quebec.
Dame Alexander A., Pierre Bazin and Charles Gagnon,	Commissioners for the trial of small causes in the parish of St. Antoine de la Rivière du Loup.
Davies William, Dion Amable, François Gauvreau and Philip Beaulieu, Duvert Louis Chicout,	do. do. in the Township of Stanbridge. do. do. in the Parish of Kamouraska. do. do. in the Seigniorship of St. Charles.
Felton W. B. and William Hamilton,	Commissioners appointed to administer oaths to persons appointed to any office within the Province of Lower-Canada.
Fournier Jean Baptiste, Faribault Joseph Edward and Laurent Lecoux,	Commissioner for the trial of small causes in the Seigniorship of Rigaud. Commissioners for the trial of small causes in the Seigniorship of St. Sulpice.
Fraser William and Louis Tremblay,	do. do. Seigniorship of Murray Bay.
Gates Horatio, Thos. Turner, J. C. Bush and Thos. Busby,	Board of Examiners persons to be appointed inspectors of Flour and Meal within the District of Montreal.
Gates Horatio, George Moffatt, James Leslie, Joseph Masson, François A. Larocque, Joseph T. Barret, Benjamin Hart, John McDunell, Thos. B. Anderson and George Auldjo, Gibson John, Ebenezer Bacon and John Smith, Gauvin Louis H.	Board of Examiners of applicants to be appointed inspectors of Pot and Pearl Ashes for the City of Montreal. Commissioners for the trial of small causes in the Township of Compton.
Hoyle Robert, Cornelius Vanflict and Wm. Odell, Hamilton James,	do. do. Parish of Longueuil. Commissioners for the trial of small causes in the Seigniorship of Lacole. Commissioner for the trial of small causes in the Township of Godmanchester.
Hovey Chester and John Jones, Hatt Samuel,	do. do. Township of Harley. do. do. Parish of St. Louis Chambly.
Jones John, Junior, James McDouall, Ebenezer Baird, Chas. Abbott and Erastus White, Jones Robert Walker, Edward Walker Carter and W. Nelson, Joliette Barthelemy.	Board of Examiners of applicants to be appointed Inspectors of Pot and Pearl Ashes in the City of Quebec. Commissioners for the trial of small causes in the Parish of Sorel. do. do. in the Seigniorship of Lavaltrie.
Leclair Joseph Ignace and John Hettrick, Lehouillier Francis, John Walsh and Antoine Chs. Taschereau,	Commissioners for the trial of small causes in the Seigniorship of Blainville. Commissioners for the trial of small causes in the Seigniorship of Taschereau.

NAMES.	APPOINTMENTS.
Labrosse Bazile Jourdain and Asa Taylor Alexander, Lefebvre E. A. De Bellefeuille, Jacques Labrie and Hyacinthe St. Germain, Languedoc François, Leather John, John S. Campbell, William Price, Robert Wood, George B. Symes, Andrew Moir, Thomas Mackie, John P. Robinson, Edward F. Clarke, Samuel Nichols, François Gagné, François X. Pa- radis and Artemis Jackson,	Commissioners for the trial of small causes in the Seigniorie of Laprairie Seigniorie of Mille Isles. Seigniorie of St. George. Commissioners of persons to be appointed cullers and measurers of City of Quebec.
Miller James, Joseph Shuter, Andrew Shaw, James Logan and George Davies, Montizambert Louis, John William Woolsey, Robert Christie, Claude Denechaud, Amable Berthelot and Thomas Ainslie Young, Marchand Gabriel,	Board of Examiners of persons to be appointed cullers and measurers of lumber in the City of Montreal. Commissioners to administer oaths to Members of the Legislative Coun- cil & Assembly. Commissioner to administer oaths to persons as public accountants within the Province of Lower Canada. Commissioners for the trial of small causes in the Seigniorie of Monnoir. Commissioner for do. do. in the Township of Hinchinbrooke. do. do. Seigniorie of Chateauguay. do. do. Parish of St. Roch.
McDonald Charles and R. S. Bourdages, McLeay Gardner, McDonald Arthur, Miville Joseph, Louis Besse and Firmin Pelletier,	Commissioners for the trial of small causes in the Seigniorie Petite Nation Commissioners for the trial of small causes in the Township of Bolton. Wardens of the Trinity House at Quebec. Commissioner for the trial of small causes in the Seigniorie of Sabrevois. do. do. in the Township of Shipton.
Papineau Denis B. William Dole and Asa Cook, Page Goram, Mark Randal, junior and James Kemball, Paterson Robert, Henry Lemesurier and John Leather, Phillips John, Philbrick John, John C. Butler, Shubael Pierce and Chester B. Cleve- land,	Commissioners for the trial of small causes in the Seigniorie of Livau- diere. Commissioners for the trial of small causes in the Parish of St. Ours.
Quirouette François, Joseph Roy, and Louis Ruel, Roch de St. Ours and Jacques Dorion,	Commissioners for the trial of small causes in the Parish of Isle Jésus. Commissioners for the trial of small causes in the Seigniorie of L'As- sompion.
Robinson Albigeance Waldo and Paul Rollen, Rocher Barthelemy, Charles Courteau and Pierre Henry Barcelo, Ross David, Jean Marie Mondelet and Robert Lester Morrogh,	Commissioners to administer oaths to persons appointed to any office within the Province of Lower-Canada. Commissioners to administer oaths to persons appointed to any office within the Province of Lower-Canada. do. do. do. Commissioners for the Lachine Canal. Commissioners for the trial of small causes in the township of Eaton. Commissioners for the trial of small causes in the township of Stanstead.
Ryland Herman Witsius, Charles Etienne Chaussegros De Léry and Do- minick Daly, Robertson Samuel and Louis Chevalier, Richardson John, Charles W. Grant and Toussaint Pothier, Sawyer John and Ebenezer Learned, Smith Ichabod, James Baxter, Marcus Child, Wilder Pierce, Alexander Kilborn and John Gilman, Stewart John, Seguin F. H. and John McKenzie,	Master of the Trinity House Quebec. Commissioners for the trial of small causes in the Seigniorie of Terre- bonne. do. do. in the township of Hemmingford. do. do. Parish of Ste. Anne Lapocatiere. do. do. Seigniorie Lake of the two Mountains. Commissioners for the summary trial of small causes in the Seigniorie of Soulanges. Commissioners to administer oaths to persons appointed to any office with- in the Province of Lower Canada. Wardens of the Trinity House of Quebec resident in the city of Mont- real.
Scriver John and Thomas Hall Woolrich, Smith John Gow and Vincent Dubé, Snowden William, René Ovide Thetard De Montigny & Jacob Barcelo, Simpson John and Etienne Roy,	Commissioners for the summary trial of small causes in the Seigniorie of Soulanges. Commissioners to administer oaths to persons appointed to any office with- in the Province of Lower Canada. Wardens of the Trinity House of Quebec resident in the city of Mont- real.
Thompson John Gawler and James Crawford, Turner Thomas A., Robert Armour, Adam L. McNider, Peter McGill and Jules Quesnel, Vigneau Joseph, René De la Bruyere and Pierre Weillbrenner.	Commissioners for the trial of small causes in the Parish of Boucherville.
Wagner Benedict Paul, Henry Francis Hughes and David Grant, Walker William, Williams Alvin,	Board of examiners of persons to be appointed cullers and measurers of lumber in the Town of Three-Rivers. Deputy Master of the Trinity House of Quebec. Commissioner for the trial of small causes in the township of Shefford.

[X]

LIST of Commissions renewed paying fees which have been issued at the Secretary's Office, in consequence of the demise of His late Majesty George the Fourth.

NAMES.	APPOINTMENTS.	NAMES.	APPOINTMENTS.
Arcand, Olivier	Surveyor of Lands.	Lafrenaye, Charles	Coroner, Three Rivers.
Armour, Robert	King's Printer, Montreal.	Lindsay, W. B.	Clerk of the House of Assembly.
Aylwin, Thomas	Interpreter Court of King's Bench, Quebec	Larue, Jean Baptiste	Surveyor of Highways, S.C. Quebec.
Armstrong, Edward	Harbour Master, Montreal.	Lindsay, William D'Arcy	Comptroller of the Customs, St. Johns.
Arnoldi, Geo. Dorland	Public Notary.	Leprohon, J. P.	Do. Do. Coteau du Lac.
		Lambly, John	Harbour Master, Quebec.

NAMES.	PROFESSIONS.	APPOINTMENTS.
Bleakley, John	Barrister, Advocate,	Treasurer to the Trinity House Quebec.
Buchanan, Alexander	Do. Do.	Bailiff to the Trinity House Quebec.
Bouchette, Joseph	Surveyor General of Lower	Public Notary.
Bowen, Edward	Justice of the Court of	
	Quebec.	
Bouchette, Joseph junr.	Deputy Surveyor General, Lower	
Bouthillier, John	Inspector of Pot and Pearl Ashes	Mondelet, Jean Marie
Brocklesby, Charles	Assistant Harbour Master, Quebec	Do. Do.
Badeaux, Joseph	His Majesty's Notary, Three-Rivers.	Coroner at Montreal.
Boisseau Ignace Gas-	Public Notary.	Prothonotaries Court of King's Bench, Mont-
pard		real.
Belleau René Gabriel	Do. Do.	Barrister, Advocate, &c. &c.
Belle, Joseph	Do. Do.	Clerk of the Court of Appeals.
		Collector at St. Johns.
Coffin, W. C. H.	Clerk of the Crown, Three Rivers.	Clerk of the Hay Market Montreal.
Do. Do.	Prothonotary of the Court of King's	Inspector of Weights, &c. &c. do.
	Bench, do.	Public Notary
Chisholm, David	Clerk of the Peace, do.	
Cochran, Andrew Wil-	Auditor of Land Patents.	Do. Do.
liam		
Do. Do.	Law Clerk Legislative Council.	Ogden, Charles R.
Do. Do.	One of the King's Counsel in the Law.	Ogden, J. G.
Do. Do.	Commissioner of Escheats.	Ouellet, Joseph
Chapman, George	Inspector of Weights and Measures.	Ogden, C. R.
Campbell, Archibald	His Majesty's Notary, District of Quebec.	
Coulson, Francis	Sejeant at Arms, House of Assembly.	Planté, Charles Denis
Cressé, Luc Michel	Public Notary.	Public Notary.
Campbell, Archibald	Do. Do.	Barrister, Advocate, &c.
Craig, Laurent	Do. Do.	Coroner at Quebec.
Chevrefils, Pierre	Do. Do.	Justice of the Court of King's Bench, Mont-
seph		real.
Cochran, Andrew Wil-	Barrister, Advocate, &c. &c.	Grand Voyer District of Three Rivers.
liam		Clerk of Land Roll.
		Inspector General King's Domain.
		Inspector of Flour and Meal, &c. Quebec.
		Public Notary.
		Do. Do.
Driscoll, Henry	Barrister, Advocate, &c. &c.	
Delisle, John	Clerk of the Peace, Montreal.	
Do. Do.	Clerk of the Crown, Montreal.	
Daly, Dominick	Secretary of the Province.	Quesnel, Frederick Au-
De Léry, L. R. C.	Grand Voyer, Montreal.	guste, and Michel O'-
D'Estimauville, Cheva-	Gentleman Usher of the Black Rod, Legis-	Sullivan,
lier Robert	lative Council.	
Dickinson, Richard	Registrar of the County of Shefford.	Ross, David
Delisle, John	Clerk of the Wardens of the Trinity-House	Rolland, J. R.
	resident in the City of Montreal.	
	Public Notary.	Reid, James
Dumoulin, John Ema-		Ross, David
nuel		Sewell, Stephen
Duplessis, Alex. Ben-	Do. Do.	Stuart, James
jamin		Sewell, Jonathan
De Léry, William	Do. Do.	Do. Do.
		Stuart, James
Ecuyer, Benjamin	Surveyor of Lands.	Sewell, W. S.
		Smith, William
Fletcher, John	Provincial Judge Inferior District of St.	Do. Do.
	Francis.	Sewell, Stephen
Fearon, John Camp-	Interpreter of the Court of the District of	Stewart, John
bell	Three Rivers.	Scott, W. Fisher
		St. Jorre dit Sergerie,
Felton, C. B.	Clerk of the Peace Inferior District of St.	Sax, William
	Francis.	
Do. Do.	Clerk of the Court, do. do.	Taschereau, J. T.
Fraser, Simon	Public Notary.	Justice of the Court of King's Bench, District
		of Quebec.
Griffin, Frederick	Barrister, Advocate, &c. &c.	Thompson, J. G.
Garon, Pierre	Public Notary.	Tessier, Xavier
Green and Perrault,	Clerks of the Peace, Quebec.	
Guy, Lewis	Sheriff of the District of Montreal.	Therien, Benjamin
Ginger, William	Sejeant at Arms, Legislative Council.	Tremblay, Jules
Grout, John	Overseer of Chimnies, Quebec.	
Griffin, Frederick	Secretary to the Commissioners Lachine	Vanfelson, George
	Canal.	Advocate General.
Guy, Louis	His Majesty's Notary, District of Mont-	Vezina, Pierre
	real.	One of the King's Counsel in the Law.
Guy, Etienne	Public Notary.	Surveyor of Highways Montreal.
Griffin, Henry	Do. Do.	Provincial Judge District of Three Rivers.
Guy, Louis	Do. Do.	
Gauvreau, Pierre	Do. Do.	Vallières de St. Real, Jo-
		seph Remi
		Vaillancourt, François
		Xavier
		Public Notary.
		Do. Do.
Hamilton, R. H.	Naval Officer, Quebec.	Verreau, Germain Alex-
		andre
Kerr, James	Justice of the Court of King's Bench Que-	Winter, Francis
	bec.	Sheriff of the District of Gaspé.
		Do. Do. St. Francis.
Lefrançois, Dominique	Public Notary.	Young, Robert
Larue, Abraham	Do. Do.	Superintendent of Pilots.
		Auditor General of Public Accounts.
		Young, Thomas Ains-
		lie



[Y.]

HIS EXCELLENCY, &c.

To all to whom these Presents may come

WHEREAS (A. B.) of () Gen... hath petitioned to obtain a Commission of Surveyor of Lands in the said Province of Lower-Canada; And (A. B., Esquire.) Surveyor General of the said Province, hath certified to me on the () day of () that the said () hath been duly examined respecting his fitness and capacity as a Surveyor of Lands and the sufficiency of his Surveying Instruments: Now Know Ye, that having taken into consideration the loyalty and integrity of the said () and his fitness and capacity so certified; I have nominated and appointed, and by these presents do nominate and appoint the said () to execute and perform the trust and duties of a Surveyor of Lands in the said Province of Lower-Canada, during pleasure.

Given under my Hand and Seal at Arms, At our Castle of *Saint Lewis*, in our City of *Quebec*, in the Province of *Lower-Canada*, the day of and in the year of His Majesty's Reign.

By His Excellency's Command.

(Signed,) D. DALY, Secretary.

[Z.]

Province of }
Lower-Canada, }

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

Commissioner appointing

to be a Surveyor of Land in and for the Province of Lower-Canada.

To all whom these Presents shall come, or whom the same may concern, Greeting:—

FIAT.

Recorded in the Registrar's Office of the Records at *Quebec*, the day of 185 of in the first Register of Commissions, Notaries, &c. Folio.

WHEREAS by an Ordinance ordained and enacted by the Lieutenant Governor and Commander in Chief of the late Province of *Quebec*, by and with the advice and consent of the Legislative Council of the said Province, passed in the

Reign of our late Royal Father, *George* the Third, intituled "An Ordinance for regulating Land Surveyors and the Admeasurement of Lands," it was among other things enacted that no person should act as a Public Surveyor of Lands, nor be appointed to act as such, unless he should have been duly examined by the Surveyor General, or Deputy Surveyor General, as to his fitness and capacity, his character and the sufficiency of his Instruments to be by him used and employed in surveying, and should have obtained the Certificate in this behalf by the said Ordinance required; and whereas it hath been certified to us by the Certificate of our General of our Province of *Lower-Canada*, That

of hath been duly examined by him as to his fitness and capacity, his character and the sufficiency of his Instruments to be by him used and employed in surveying, to entitle him to be appointed a Land Surveyor in and for our said Province of *Lower-Canada*, in which Certificate is expressed the variation found at the time of granting thereof, as is also required by the said Ordinance; Now Know Ye, that, confiding in the loyalty, integrity, skill and ability of our beloved and faithful the said

We, of our especial Grace, certain Knowledge, and mere motion, in pursuance of the said Ordinance, and at the special instance of the said have constituted and appointed, and by these presents do constitute and appoint the said

to be a Surveyor of Land in and for our said Province of *Lower-Canada*; To have hold, exercise and enjoy the said office of Surveyor of Land as aforesaid, together with all and every the powers, rights, privileges, fees, profits, and advantages to the said office appertaining, and which of right ought to appertain to the same, unto him the said for and during our Royal pleasure.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province of *Lower-Canada*, to be hereunto affixed: Witness our right trusty and well-beloved *Matthew Lord Aylmer*, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of all our Forces in the Provinces of *Lower-Canada* and *Upper-Canada*, &c. &c. &c. and Administrator of the Government of the said Province of *Lower-Canada*; At our Castle of *Saint Lewis*, in our City of *Quebec*, in our said Province, the day of in the year of our Lord one thousand eight hundred and thirty and in the year of our Reign.

Secretary.

REPORT
 Committee of Grievances.

HOUSE OF ASSEMBLY,

COMMITTEE ROOM,

WEDNESDAY, 16th MARCH, 1831.

PRESENT:—Messrs. *Bedard, Neilson, Ls. Bourdages, Duval, Labrie and Hency.*

Mr. *Bedard* in the Chair.

YOUR Committee appointed to take into consideration and report their opinions and observations on all questions which might arise in the House and be referred to them, relating to Grievances and Petitions of Grievances, and to whom were referred the Petition of divers Inhabitants of the City of *Montreal*, complaining of the conduct of *James Stuart*, Esquire, Attorney General of this Province, presented to the House on the eighteenth March, one thousand eight hundred and thirty, and the Report of the Special Committee thereon of the twentieth day of the said month of March; and other references,—have agreed to the following Report, which they have the honour of submitting to Your Honorable House:—

REPORT OF YOUR COMMITTEE

UPON THE

Petition of divers Inhabitants of the City of *Montreal*, complaining of the conduct of *James Stuart*, Esquire, Attorney General of this Province.

Your Committee, sensible of the importance attached to the complaints preferred by that Petition, against a high Public Functionary, have given them the most mature consideration; and it now becomes the duty of Your Committee to state to Your Honorable House, that the facts that have given rise to those complaints, and of which the greater part being facts of public notoriety, formed a portion of the investigation made by a Committee of this House in 1829, have been anew verified before Your Committee.

It has been proved that, without having any regard to the injustice of subjecting individuals, before their trial to a longer detention than that to which they would have been sentenced upon being convicted of the crimes of which they were accused, without fearing to degrade the office he filled in the eyes of the public, which must fall upon him, of having been instigated in the performance of his duty by motives of self interest of a pecuniary nature, instead of motives of justice; the Attorney General has, for several years, persisted in prosecuting before the Superior Criminal Courts of the District of *Montreal*, persons accused of minor offences, for which, in conformity with the practice followed at *Quebec*, and the Jurisdiction appertaining to the Quarter Sessions of the Peace, proceedings ought to have been taken before the last mentioned

tribunal. This conduct in which the Attorney General has persevered, notwithstanding the reiterated representations of several Grand Juries of the District of *Montreal*, must have contributed to occasion discontent and contempt, to take the place of the confidence and respect which such a Public Functionary ought to command.

It has been established that, at the Election which took place at the Borough of *Sorel*, in one thousand eight hundred and twenty seven, the Attorney General made use of the influence derived from his situation, to intimidate by menaces and acts of violence, those who voted against him, which to the scandalization of the Electors of the said Borough, were proofs of his contempt of the freedom of Election, and of the laws which protect it. The support upon which he publicly boasted he relied on that occasion, and which he in effect received, from the Earl of *Dalhousie*, who then resided at *Sorel*, would alone have been sufficient to cause him to be justly considered as a devoted partizan of the Administration of His Lordship, whilst, as Attorney General, he ought not to have belonged to any party, nor to have had any friend but Justice, nor any enemy but crime.

It has been a matter of public notoriety, that the Attorney General, with the view of gratifying his own personal sentiments of revenge, instituted criminal proceedings that were partial and oppressive; and it has not been without feelings of deep regret, that Your Committee have listened to the proofs of it. It has been proved that he has prosecuted for perjury a man named *Hus dit Cournoyer*, and one named *Buckner*, who voted against him at the *Sorel* Election, on the ground of those individuals having taken the usual oaths on such occasions, without being possessed of the qualifications required; whilst he refused to prosecute other persons who had voted for him, although they were not better qualified than those two individuals, and although the affidavits put into his hands proved that they had taken the same oaths. The Attorney General followed up these prosecutions, after they had been twice rejected by Grand Juries, and it was not till after they had sustained considerable pecuniary loss, and that they had severely suffered during two long years that intervened, before the delays which the Attorney General had created by his illegal proceedings were terminated, that their trials could take place, and that these individuals were acquitted upon the ground

that they were led into error by the Attorney General himself, who had publicly told a man named *St. Germain*, that he had a right to vote, although better qualified than those individuals. This is shewn by the Attorney General on that occasion his persecution of those individuals, could degrade and bring into contempt the administration of Justice in criminal matters, in the eyes of the inhabitants of this Province. And when Your Committee consider how necessary a due administration of Criminal Justice is for the welfare of every civilized country, they cannot disguise from themselves that the state of degradation to which the Attorney General has reduced that important portion of the Government of this Province, must infallibly produce the most disastrous effects, if they be not speedily obviated.

It has been proved that the Attorney General, with the same partiality and injustice, instituted similar criminal proceedings, founded upon similar facts, against a man named *Aussant*, against another named *Louis Allard*, and against another named *Felix Levallée*, and others.

Hence it appears that it was not enough for the Attorney General to have prostituted the powers with which the law invests him, to support the views of an administration which was detested by the people, by employing them to crush those presses which advocated the best interests of the country, whilst he protected the unbounded licence of those Journals which calumniated the Country and its Representatives; but he must likewise make the Administration of Justice, the means and tool of his personal revenge.

That inducement to the commission of a crime, the idea alone of which is revolting, when it is predicated of him who has been specially appointed by Law and by the confidence of his Sovereign to watch over public morals; that subornation of perjury of which the Attorney General has rendered himself guilty, in the face of the Electors and of the whole Country, has been substantiated before Your Committee by precise and determined evidence. It has been proved that at the Election which took place at *Sorel*, in one thousand eight hundred and twenty seven, the Attorney General persuaded one *St. Germain*, who had not the right of voting, (and which he himself declared he had not, as he had made a donation of his property to his son,) and to take the proprietor's oath, in order that he might vote in his favor. He said to that individual, that, in his quality of Attorney General, he assured him that his vote was a good one; that he was the Attorney General, and that it was he alone who could prosecute him for perjury. He even dared to take his hand and place it upon the Book of the Evangelists, calling him his friend, and assuring him that he had nothing to fear; whilst he very well knew, that that individual had no right to vote, since he afterwards prosecuted persons for perjury who had no more right to vote than that individual. Your Committee think it right to observe, that on that occasion, *St. Germain* did in fact take the proprietor's oath, and voted for the Attorney General, and that he was not the only person similarly situated to whom the Attorney General promised impunity, and whose hand he took hold of, to engage him to take the oaths usual on such occasions.

Your Committee do not hesitate to declare that as the facts which have been established by the proofs laid before them, are such as must deprive the Attorney General of every species of esteem and confidence in the minds of the inhabitants of this Province, it cannot be without detriment to the administration of Criminal

Justice, that he can be continued in the exercise of the office with which he is invested; and that, in this Country, a public functionary of the elevated rank of Attorney General of this Province, could be guilty of such gross faults, (in such crimes,) without their being a sufficient ground for removing and punishing him, we must foresee the consequences of the high opinion which the inhabitants of this Province entertain of the Constitution which is vested in the Justice of the Imperial Parliament.

Your Committee not having yet completed their investigation relative to several other Petitions, which equally embrace matters of heavy complaint against the Attorney General, have considered that they ought to confine themselves in this Report to the Petition of the Inhabitants of *Montreal*, and after the enquiries they have made relative thereto, and the serious considerations they have bestowed thereon, have come to the following Resolutions:—

1. *Resolved*, That it is the opinion of this Committee, That *James Stuart*, Esquire, Attorney General of this Province, by persisting in prosecuting before the Superior Tribunals, persons accused of minor offences, which ought to have been prosecuted at the Quarter Sessions of the Peace, has been guilty of malversation in his office, and that with the sordid view of increasing his emoluments.

2. *Resolved*, That it is the opinion of this Committee, That the said *James Stuart*, Esquire, Attorney General of this Province, in order to shew his attachment to the Executive Government of the time, has been guilty of partiality and persecution, in the execution of the duties of his office, by instituting libel prosecutions, unjust and ill-founded, against divers persons; and has thereby rendered himself unworthy of the confidence of His Majesty's Subjects in this Province.

3. *Resolved*, That it is the opinion of this Committee, That the said *James Stuart*, Esquire, Attorney General of this Province, by making at the Election at *Sorel*, in the year one thousand eight hundred and twenty seven, where he was one of the Candidates, use of threats and acts of violence, to intimidate some of the Electors of the said place, and by promising impunity to others, displayed his contempt of the freedom of Election, and has infringed the Laws which protect it.

4. *Resolved*, That it is the opinion of this Committee, That the said *James Stuart*, Esquire, Attorney General of this Province, by prosecuting for perjury certain Electors of *Sorel*, who had voted against him, and by refusing or neglecting to prosecute others who were no better qualified, but who had voted in his favor, was actuated by motives of personal revenge, which made him forget his duty, and the oath he has taken as His Majesty's Attorney General in this Province.

5. *Resolved*, That it is the opinion of this Committee, That the said *James Stuart*, Esquire, Attorney General of this Province, by inducing at the said Election of *Sorel*, certain Electors who were not qualified to take the oaths usual on such occasions, although he knew that that those individuals were not qualified, has been guilty of subornation of perjury.

6. *Resolved*, That it is the opinion of this Committee, That, by this conduct, the said *James Stuart*, Attorney General of this Province, has brought the administration of Justice into

administration of Criminal Justice in this Province after not appoint him to any other office of trust into dishonour and contempt ; and that he has been guilty of high crimes and misdemeanors, and is not worthy of the confidence of His Majesty's Council.

7. *Resolved*, That it is the opinion of this Committee, That for the reasons before mentioned, it is expedient that an humble Address be presented to His Excellency the Governor in Chief, praying Him to be pleased to suspend the said *James Stuart*, Esquire, Attorney General of this Province, from the said office, and the execution thereof, until the pleasure of His Majesty on this subject shall be made known in this Province, and that the said Address be accompanied by a Copy of these Resolutions.

8. *Resolved*, That it is the opinion of this Committee, That it is expedient that an humble Address be presented to His Majesty, praying that it may please Him to dismiss the said *James Stuart*, Esquire, from the Office of Attorney General of this Province, and

The whole nevertheless humbly submitted.

ISIDORE BEDARD,

President.



HOUSE OF ASSEMBLY.

COMMITTEE ROOM,

Thursday, 17th February, 1831.

HIDORE BEDARD, Esquire, in the Chair.

Henry Crebasso, Notary, of *Sorel*, examined:—

I am a Notary, residing in the Borough of *Sorel*, or *William Henry*, for thirty six years.

Were you present at the Election that took place at *Sorel*, for choosing a member of the Provincial Parliament, in July 1827?—Yes, I was present all the time in my quality of Returning Officer for the said Election.

Who were the Candidates at that Election?—The Hon. *James Stuart*, Attorney General for the Province, and *Dr. Wolfred Nelson*, of *St. Denis*.

Was that Election keenly contested?—Yes, very keenly. It lasted from the 25th July to the 31st of the same month.

Did you hear any threats uttered against several of the Electors who came to vote?—Yes, I heard the Attorney General vehemently threaten several of the Electors, who came to vote for *Mr. Nelson*. He told them that he would prosecute them for perjury; if they voted, that they should be put in the pillory, and that *Mr. Nelson* could not relieve them from it.

Can you tell the names of any persons who were so threatened by the Attorney General?—Yes; one named *Antoine Paul Hus dit Cournoyer*, and one named *Antoine Aussant*.

Why did the Attorney General tell those persons that they were entitled to vote?—Because those two persons were fathers of families who had made donations of their property to their children.

Did *Cournoyer* and *Aussant* offer themselves to vote, after an individual named *St. Germain* had voted for the Attorney General?—Yes.

Had the said *St. Germain* made a donation of his property to one of his sons, in the same way as *Cournoyer* and *Aussant* had done of their's?—Yes, and it was myself who made out their deeds. None of them had any more right to vote than the others. If I had not been Returning Officer, I should have told them not to vote. Each of these individuals had made donations of all their property to their children without any reserve. I will produce copies of their donation deeds.

When *St. Germain* came forward to vote for the Attorney General, did any one point out to him that he had no right to vote?—Yes, *Mr. Nelson* observed to him that he had no right to vote, because he had made a donation of his property, and he told him he did not say so to prevent him voting, but he would do well to consider of it.

What did the Attorney General then say to him?—The Attorney General told him that he had a right to vote, and that his was a good vote.

What did *St. Germain* then do?—*St. Germain* thought it best to retire and not to take the oath.

Did *St. Germain* come forward a second time?—Yes, he came forward a second time at the Presbytery, where the Poll was held.

Was it again objected to him that he had no right to vote?—Yes, *Mr. Nelson* again represented to him, that as he had given away his property, he could not vote, and that his son had already voted in virtue of the same property.

Did *St. Germain* acknowledge the fact, and admit that he made a donation of his property?—Yes, he acknowledged it, and repeated several times, I have given my property to my son.

What did the Attorney General then say?—The Attorney General told him not to be afraid of any thing, and that he had a right to vote.

Did *Mr. Nelson* then require that *St. Germain* should take the proprietor's oath?—Yes.

What impression did the assertion of the Attorney General, that he had nothing to fear, make upon your mind?—I thought

that *St. Germain* could not take the oath without perjuring himself, but that nevertheless he would not be prosecuted by the Attorney General; the words that he had nothing to fear being a kind of inducement, not only to *St. Germain*, but to others in similar situations, to vote in his favor; and I believe that it was this which engaged *Aussant* and *Cournoyer* to come to vote.

Did *St. Germain* show any reluctance to take oath?—Yes, and if I had thought I could have spoken, I should have told him not to take the oath.

What did the Attorney General then do?—The Attorney General then said to him, that, in his quality of Attorney General, he told him that he had a right to vote; vote, vote, my friend, you have nothing to fear, and he took his hand, and put it upon the Evangelists. *St. Germain* then took the oath as a proprietor, and voted for *Mr. Stuart*.

What is the age and character of *St. Germain*?—He is a respectable old man.

You told us that *Hus dit Cournoyer* and *Aussant* did not give their votes till after *St. Germain* had voted for *Mr. Stuart*; was it objected to them that they had made Donations of their property?—Yes, the Attorney General told them that they had no right to vote, because they had given away their property, and that if they would vote, they must take the proprietor's oath; and to me, he said, "let them swallow all the oaths."

What did *Cournoyer* and *Aussant* then say?—They said they had as much right to vote as *St. Germain*, who had given away his property as they had theirs; and that the Attorney General had made *St. Germain* vote; and thereupon they took the proprietor's oath, and voted for *Mr. Nelson*.

Michel Glackemeyer, of *Maskinongé*, examined:—

Were you present at the Election which took place at *Sorel* in July 1827?—Yes, I was present there all the time, in my quality of Clerk of the Poll.

Who were the Candidates at that Election?—*Mr. James Stuart*, the Attorney General, and *Wolfred Nelson*, Esqr. of *St. Denis*.

Was the Election keenly contested?—Yes, very keenly, and it lasted a long while.

Is it within your knowledge that the Attorney General made use of threats to those who came to vote for *Mr. Nelson*?—Very often, and almost to all. He said to some that if they voted, he would prosecute them for perjury; that they would be put to pillory, and that *Mr. Nelson* would not go and put himself in their place.

Did he make use of those threats to one named *Paul Hus dit Cournoyer*, and to one named *Antoine Aussant*?—Yes.

Did the Attorney General tell those individuals, that they had no right to vote, because they had made Donations of their property to their children?—Yes, and that their children had voted in virtue of that property.

Did *Cournoyer* and *Aussant* come forward to vote, after one *St. Germain* had voted for the Attorney General?—Yes, afterwards.

When *St. Germain* came forward to vote, did any one observe to him that he had no right to vote?—Yes, *Mr. Nelson* observed to him that he had made Donation of his property; that he did not say this to him to prevent him from voting, but that he would do well to get the advice of well informed persons before voting; that his son had already voted upon the same property, and that he would advise him to consider well of it.

Did the Attorney General then tell *St. Germain* that he had a right to vote?—Yes, he repeated to him several times that he had a right to vote, although he had given away his property; and that his vote was a good one.

What did *St. Germain* then do?—*St. Germain* then retired, without taking the oath, because he had given away his property to his son, and that he had been informed that that deprived him of his right of voting.

Did *St. Germain* come forward a second time to vote?—Yes.

Was it again objected to him, that he had not a right to vote?—Yes, Mr. Nelson made the same objections to him, as he had done the first time; namely that he had made a Donation of his property, and that his son had already voted on that property.

What did the Attorney General then say to him?—The Attorney General told him that he had a right to vote, that his son had already voted, and that, in his quality of Attorney General, he had the right of voting.

Did Mr. Nelson then require that St. Germain should take the proprietor's oath?—Yes.

Did St. Germain shew any reluctance to take the oath?—No, I have given my property to my son.

What did the Attorney General then do?—The Attorney General took St. Germain's hand and placed it upon the Evangelists, saying to him, vote, vote, my dear friend; you have a right to vote; I tell you in my quality of Attorney General that you have nothing to fear; it will not be Mr. Nelson who will have to plead your cause. St. Germain then took the proprietor's oath, and voted for Mr. Stuart.

What is the age and character of St. Germain?—He is an old man of an irreproachable character.

You have told us that Hus dit Cournoyer, and Antoine Aussant gave their votes, after St. Germain had voted for Mr. Stuart; was it objected to them that they had made Donations of their property?—Yes, the Attorney General told them, as I have before said, that they had not the right of voting, and that if they did vote they would be put in the pillory; and that Mr. Nelson would not put himself in their place; and addressing the Returning Officer, he said to him, "let him swallow all the oaths."

What did Cournoyer and Aussant say at that time?—They said their case was the same as St. Germain's, and that, since the Attorney General had considered his vote as good for him; their's ought also to be good; and thereupon, they took the proprietor's oath, and voted for Mr. Nelson.

Friday, 18th February, 1831.

ISIDORE BEDARD, Esquire, in the Chair.

Wolfred Nelson, Esquire, Physician, of St. Denis, examined:—

Were you one of the Candidates at the Election that took place at Sorel in July, 1827?—Yes; and the other Candidate was James Stuart, the Attorney General of this Province.

Was that Election keenly contested?—Yes.

Did Mr. Stuart frequently threaten those who came forward to vote against him?—Almost every voter who was against him; and to several of them he said that, if they voted, he would prosecute them for perjury; that they would be put in the pillory, and that Dr. Nelson would not put his neck in their stead.

Did he utter similar threats to a man named Hus dit Cournoyer, and to one named Antoine Aussant?—Yes.

Was the objection made by Mr. Stuart against those individuals as voters, because they had made Donations of their property to their children?—Yes.

Did those two individuals not vote in your favor, until after a man named St. Germain, who had equally made a Donation of his property, had voted for Mr. Stuart?—Yes.

When the said St. Germain offered himself to vote for Mr. Stuart, was the objection made to him that he had made Donation of his property to his son?—Yes, I observed to him that, as he had made a Donation of his property to his son, I believed he had no right to vote, and that it would be painful to see a man of his age and respectability, take an oath which he ought not to take; that, however, I did not say this to prevent him from voting; but that I strongly recommended him to consider well before he decided.

What did the Attorney General then say to him?—The Attorney General said, fear nothing, my friend, I assure you, you have a right to vote; Mr. Nelson may be a good Doctor, but he is not a lawyer; it is not him who will have to prosecute you.

Did St. Germain admit the fact in question, and did he say, that he had indeed made a donation of his property?—Yes, he acknowledged it, and repeated several times that he had given away his property to his son; and he shewed a reluctance to vote.

What did the Attorney General then do?—He took St. Germain's hand, and placed it upon the Evangelists, saying to him, vote, vote, my friend, your vote is a good one: I tell you, in my quality of Attorney General, that you have a right to vote; you have nothing to fear; this was the substance of what he said, and the words he used had exactly the same sense.

What did St. Germain then do?—He took the proprietor's oath, and voted for Mr. Stuart.

Do you recollect whether St. Germain offered himself twice to vote?—I do not at present recollect, but I am certain that Mr. Stuart said to him those things that I have repeated, when he came forward to vote, and that, in fact, he did vote for Mr. Stuart.

Was St. Germain the only one, whose hand Mr. Stuart took and placed on the Evangelists, in order to make him take the oath, and vote in his favour?—No; he did the same thing towards one named Jean Bte.

what, who was generally said not to be qualified, and who had indignance to take the oath.

I heard Mr. Stuart say that he was the only persons who could vote, those who voted, without having the right to do so, for perjury. He said so to several persons, whom I did not believe were and whom I required to take the oath before they voted; and those persons had nothing to fear.

I have said that Hus dit Cournoyer and Antoine Aussant did not vote after St. Germain had voted for Mr. Stuart; was it then objected to them that they had made donations of their property to their children?—Yes, the Attorney General said they had no right to vote because they had given their property to their children.

What did Cournoyer and Aussant then say?—They said that their votes were as good as St. Germain's, and as the Attorney General had decided that St. Germain's vote was a good one for him, their's ought to be good for Mr. Nelson; and they added that they had more right to vote than St. Germain.

Did the Attorney General require them to take the proprietor's oath?—Yes.

Did he then make use of the expression, "Let him swallow all the oaths"?—I cannot say whether he made use of those expressions at that time; but he frequently made use of them on other occasions, if he did not on this.

Did Cournoyer and Aussant take the proprietor's oath, and did they vote for you?—Yes.

Did Mr. Stuart avail of his quality of Attorney General, to intimidate the voters, or influence the election, under other circumstances than those before mentioned?—Whenever any one came to vote for me, after Mr. Stuart had objected to his vote, he immediately called a man named Wilmot, a Shoemaker, and one named George, a Cook on Board a Steamboat, and told them to go and see whether the property of the individual who had just voted was worth five pounds. Those men then went to enquire, and came back to say that it was not worth five pounds; and it is within my knowledge that immediately thereupon, a man named Triganne a Bailiff, went and took up those voters, and carried them before Mr. Van Iffland, a Justice of the Peace, who held them to bail to appear before the Court of King's Bench, for perjury.

Jean Delisle, Esquire, Clerk of the Crown and of the Peace in and for the District of Montreal, examined:—

Is it within your knowledge, that James Stuart, His Majesty's Attorney General for this Province has ever taken proceedings in the Criminal Court of King's Bench, against persons accused of minor offences, who might have been proceeded against in the Quarter Sessions of the Peace?—I answer, yes. That occurred in several terms.

Can you specify any of those cases?—I cannot specify any of those particular cases, excepting those in March Term last, of which I have produced the Indictments (See Appendix I.) at the request of the Committee; but, if more time be given me, I could extend this statement to several of the preceding terms, and I will do so, if the Committee require it, by referring to the different Indictments when I return to Montreal.

State, if you please, the different cases of that kind, which took place in the said March Term?—1st. The indictments Nos. 27, 28 and 29, preferred against the same man, François Fournel, for having passed on the same day, and to the same person, three Counterfeit French Half Crowns.

2d. The indictment No. 89, against Thomas Pibble, for stealing four articles, valued in the indictment, altogether at four shillings and nine pence.

3d. The indictment No. 2, against J. Bte. Blondin, for stealing a Bank Bill of one dollar.

4th. The indictment No. 11, against Pierre and Timothée Guertin, for stealing two bushels of rye, valued at five shillings sterling for the two.

5th. The indictment No. 18, against J. Bte. Fournel, and Richard Macginnis, for stealing two pair of small pincers valued at one shilling for the two, and a hammer of the value of six pence.

6th. The indictment No. 24, against Charles Charpentier, for stealing a table-cloth, valued at eighteen shillings sterling.

7th. The indictment against David Cody for stealing three pair of woollen socks valued at two shillings sterling, a pair of woollen stockings of the value of five shillings, a pair of cotton gloves at the value of one shilling, being goods belonging to two different persons, and in all valued at eight shillings.

Can you tell us whether the witnesses in those cases were paid?—Those who reside in the City are not paid, but those who came from the country are paid, if they prove that they are poor, and unable to bear the expenses of the journey.

How much does the Attorney General receive for each indictment?—To the best of my knowledge, he receives two pounds sterling for every indictment laid before the Grand Jury, and five pounds five shillings sterling, for every case submitted to a Petty Jury. In the nine causes mentioned above, he got sixty-five pounds five shillings.

How much would those indictments, and the proceedings thereon have cost, had they been carried before the Quarter Sessions?



Sessions?—For each indictment laid before the Grand Jury at the Quarter Sessions, the Province pays 6s. 8d. current, and 13s. 4d. for the case when it comes on.

Are the witnesses of the Crown paid for those matters which are carried before the Quarter Sessions?—They have not, to my knowledge, been ever paid, as long as I have been Clerk of the Peace, that is to say about sixteen years.

Does there in your opinion any advantage to public justice arise from proceeding against those minor offences in the Court of King's Bench, instead of at the Quarter Sessions of the Peace?—I do not know of any.

Do not the accused individuals suffer from this order of things?—They are exposed to being longer detained in prison, as there are four terms in the year for the Quarter Sessions, while there are only two terms in the Criminal Court of King's Bench. It happens also sometimes therefore that they are kept in prison for several months waiting for the Criminal Term, whilst in many cases, they might perhaps not be sentenced upon conviction to a longer period of imprisonment than one month, and possibly less.

AUG. N. MORIS, Esquire, in the Chair.

John Delisle, Esq., again examined:

The Committee have been informed that Presentments have been made by the Grand Jury for the District of Montreal, that relate to the practice of carrying cases before the Superior Courts of Justice, which ought to have been carried before the Quarter Sessions; can you produce them?—I produce five: 1. Of the 10th March 1825; 2d. One of the months of August and September 1826; 3d. One of the month of August 1829; 4th. One of the month of March 1830; and 5th. One of the month of April 1830.

Besides the indictments you have produced, as having been returned true bills by the Grand Jury in March Term last, were there others which were thrown out?—Yes; there were nine, of which I produce certified copies.

Among these indictments, what were for minor offences?—1st. The indictment No. 9, against Pierre Millet and Pierre Lachance, for stealing 15 pounds of old copper, valued at 12s. sterling.

2d. The indictment No. 7, against William Brock for assault and battery.

3d. The indictment No. 6, against Julia Donohue, for stealing a woman's gown, value, 9s.

When the depositions upon oath were taken before the Chairman of the Sessions for offences which might have been taken before that Court, and when the accused were admitted to bail, before what Court were they obliged to appear?—I cannot say, as I had nothing to do with the Police Office, and as the depositions were immediately handed by the Chairman to the Attorney General.

Who took bail in those cases?—Bail was taken at the Police Office.

When the accused were not admitted to bail in such cases of minor offences, for what Court were the witnesses subpoenaed?—I cannot tell.

Did you receive any orders from the Executive relative to the prosecution of minor offences?—Yes; a short time before the departure of Sir James Kempt, I received an order on his behalf to prosecute all minor offences before the Quarter Sessions. I will produce to the Committee a copy of the letter I received on that subject.

What did that order contain?—The letter contained, amongst other matter, an injunction so to proceed against persons accused of theft, as far as five pounds.

Did you conform to that order?—Yes; but only in those cases in which I could procure witnesses, without expense, for I have no funds at my disposal for that object.

Are not certain fines imposed at the Quarter Sessions, and the Weekly Sessions, paid into your hands; and do you not believe that it would be advantageous that those sums should be made use of to defray the expenses of necessitous witnesses?—Yes; to the amount of about £100 a year, more or less; and I think that money would be amply sufficient to pay the witnesses of that Court; but I have not as yet had it in my power to make use of them for that purpose, as the law does not authorise me to do so. These fines have always been paid by me into the hands of the Attorney General, whereby I had no means of subpoenaing witnesses at a distance from the City, so that many persons were not prosecuted.

Saturday, 19th February 1831.

JACQUES LABRIE, Esquire, in the Chair.

Mr. Nelson, Esquire, again examined:—

Several persons taken up at the Poll, as mentioned in your examination of yesterday?—At least; and I heard the Attorney General several times say, speaking publicly at the Hustings, that he would, in his quality of Attorney General, prosecute certain individuals who voted against him, whilst he assured those who voted in his favor that they had nothing to fear, as he alone, as Attorney General, had the right of prosecuting them; and by the assurance with which he declared this, he induced several persons to vote for him, whilst those individuals were, by common repute, considered as not possessing the property necessary to entitle them to vote.

Did Mr. Stuart require all those whom he supposed to be inclined to vote for you to take the oaths?—Generally he did, telling the Returning Officer to make them swallow all the three oaths; and he even went so far as to require old men whose hair was wholly grey, to take the oath of being of age.

Did he prosecute the persons whom he had thus threatened?—Yes; and he kept them from Term to Term for more than two years, exacting heavy bail from them; whilst he did not prosecute any of those who had voted for himself, and to whom he had said, they had nothing to fear.

Is it not within your knowledge that in the course of the said Election, the Attorney General, publicly, and on the hustings, threatened J. K. Welles, Esquire, that if he did not make greater exertions to forward the Election, he would report him to the Governor?—Yes; once at least, and perhaps twice, and that was done in a violent and very imperative manner.

Did not Mr. Stuart, having got one or two persons to promise to vote for him, whom he supposed to be inclined to do so, when those two persons voted against him, prosecute them?—Yes.

Monday, 21st February, 1831.

JACQUES LABRIE, Esquire, in the Chair.

Mr. Henry Crébassa, again examined:—

Is it within your knowledge, that in the month of March last, a person named Schiller, who is a Bailiff of the Court of King's Bench, came to you at Sorel, with some depositions that were ready prepared, one of which was addressed to you?—Yes; I saw one addressed to me, one addressed to Mr. Jones, one to Mr. Von Ifland, and another, I believe to Mr. Gluckemeyer, Clerk of the Poll, at the time of the said Election. It appeared to me that they were in the hand-writing of the Attorney General.

Do you know the contents of those depositions?—They purported that during the Election at which Mr. Stuart had offered himself in opposition to Dr. Wulfred Nelson, he had not acted with that violence which had been ascribed to him, and which had been proved in the preceding Term of the Criminal Court; that he had not in any way persuaded or solicited St. Germain to make oath that he was qualified to vote in respect of property; and that he had not used any threats to any Electors

Electors that he would prosecute them, even when they voted for Mr. *Nelson*.

Can you procure a copy of one of those Affidavits for the Committee?—I have not one here; but I can get one, and send it to you, when I receive it. (The witness since transmitted the Affidavit to him, see Appendix (A.) to this Report.)

Who failed at the said Election, Mr. *Nelson*?—It was the Attorney General.

Were proceedings for perjury taken against those who had voted at that Election, against Mr. Attorney General?—Yes; I believe against six or seven.

Were there any proceedings for perjury taken against such as had voted for Mr. Attorney General?—Not to my knowledge; although Mr. *Wolfred Nelson* caused several persons to be apprehended, upon depositions under oath, before Magistrates; and I am sure that, with respect to *St. Germain*, he was not prosecuted.

Mr. *Michel Glackemeyer*, again examined:

What was the impression made on your mind, when you heard the Attorney General tell the voters that they had nothing to fear?—I thought that Mr. Attorney General made use of those expressions in order to get people to vote for him, and take away all fear of being prosecuted, from such as voted without being conscious of being qualified with regard to property.

Who was it that failed at the Election?—It was Mr. Attorney General.

Do you know that the Attorney General prosecuted for perjury, some of those who had voted at the said Election, before the Criminal Court?—Yes; he prosecuted five or six persons of those who had voted against him; but I have no knowledge of his having prosecuted any of those who had voted for him, although according to common report, several had been arrested, in virtue of depositions made before Magistrates.

During the time of the Poll, did you hear the Attorney General order any one to go directly and look at the property of those who had voted against him, in order to ascertain whether it was worth £5?—Yes; he called to *Triganne*, and to a man named *George*, who was a servant on board a Steam-boat, and when they came back and told him it was not worth £5, he told them to go and take them up, and carry them before a Magistrate, and I heard somebody say that two of them had been put under bail to appear at the Criminal Court of King's Bench.

Did you see the Attorney General threaten Mr. *Welles*, Agent for the Seignior of *Sorel*, belonging to the Crown?—Yes; I heard him several times reproach Mr. *Welles*, because he did not exert himself enough with him at the Poll; and once he went so far as to say that if he did not support him with greater activity he would report him to the Governor.

Was an Affidavit ready drawn up, offered to you in March 1830, with a request that you would swear to it?—In March 1830, towards the close of the Term of the Criminal Court, Mr. Attorney General asked me at *Montreal*, at *Rasco's*, whether I had any knowledge that he had said at the Poll at *Sorel*, that he alone, as Attorney General had a right to prosecute those who might vote for him at the Election. Upon which I told him that I did not recollect at the moment whether he had said so or not; that I did not say whether he had said so, or not said so; but that I did not recollect having heard it; upon this he prepared an Affidavit, in my absence, which he afterwards presented to me, and which I afterwards signed and swore to, without reading it myself, Mr. *Stuart* having himself read it to me.

As

he wanted to alter something in it, whilst he was reading it, I requested him to be very particular in not saying any thing but what I had said. The Affidavit was read to me by the Attorney General, and it contain any thing but what I have mentioned in the beginning of this answer. It was at the Police Office before Mr. *Gale*, that I swore to the affidavit, which was not read over again to me by Mr. *Gale*. I kept no copy of it, and I do not know what has become of it, as the Clerk of the Attorney General put it into his pocket.

André Amable Levallée, Carter of the Borough of *William Henry*, examined:

Are you an Elector for the Borough of *William Henry*?—Yes, I am an Elector and a Proprietor.

Were you present at the Election which took place there in 1827?—Yes; I was present for the greatest part of the time.

Did you hear the Attorney General say at the hustings, that he alone, as Attorney General, had a right to prosecute those who voted for him at that Election, and that they had nothing to fear?—Yes; several times; I cannot say how often.

Did he, on the other hand, say to such as voted for Mr. *Nelson* that he would have them put in the pillory?—Yes; several times. He spoke to them in a most violent manner; saying to them, "Take care what you are going to do, if you have not a good right to vote, I will punish you, and I will have you put in the pillory; and Mr. *Nelson* for whom you vote, will not put his neck in your place there. It is I that am the Attorney General."

Do you know that some of the Electors who had voted for Mr. *Nelson*, were directly taken up, and by whose orders?—The Attorney General several times sent different individuals to enquire respecting the properties of the voters. Upon their report he caused several of Mr. *Nelson's* Electors to be taken up, and taken before a Magistrate, where they were held to bail to appear at the Court of King's Bench.

Do you know that since the Election, affidavits have been made against several of the Electors who voted for the Attorney General, as being guilty of perjury?—Yes, I know that such affidavits have been made, and that those persons have been held to bail; but they have never been prosecuted.

Do you know whether those affidavits were put into the hands of the Attorney General?—That is what I cannot tell.

Antoine Paul Hus dit Cournoyer of the Parish of *Sorel*, Labourer, examined:

Were you present at the *Sorel* Election in 1827?—Yes.

Were you there when the Attorney General took *St. Germain's* hand and placed it on the book, telling him that he could vote, and had nothing to fear?—Yes, I was there, and I heard the Attorney General say to *St. Germain*, who was expressing to him his reluctance to take the oath, because he had given away his property to his children, and putting his hand himself upon the book, "don't be afraid, I will be answerable that your's is a good vote; I should be very happy to have twenty such."

Did you yourself vote at that Election?—Yes.

Had you not, however, given your property to your children?—Yes, and they pay me good interest for it; and if I did vote it was on account of what I had heard the Attorney General say to *St. Germain*. I thought that if *St. Germain*, who had given away all

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all his property, had a right to vote, the greater reason there was that I should have the same right, as he made a reserve of a piece of land, on which there was a small house.

Did not Mr. *Stuart* then threaten you that he would have you put in the stocks?—Yes, when I gave up the poll, he threatened me in a very violent tone, that he would prosecute me, and would have me put in prison, in the stocks, and in the pillory.

Did he put his threats into execution?—Yes, some time after the Election, he caused me to be apprehended, and for two years at least, I have not ceased, along with others, to be dragged from Term to Term, from *Sorel* to *Montreal*, to pass the whole Term there, without having my case tried.

Is it within your knowledge that any who voted for Mr. *Stuart*, have been prosecuted for perjury?—I have no knowledge of it; and I verily believe that not one of them has been prosecuted.

Alexis Paul Hus dit Cournoyer, son of the preceding witness, of *Sorel*, examined:

Were you present at the Election which took place at *Sorel* in 1827?—Yes, I remained there almost the whole time of the Poll.

Who were the Candidates, and which of them failed at that Election?—The Candidates were Dr. *Wolfred Nelson* and the Attorney General Mr. *James Stuart*. It was the last who failed in his Election.

Did Mr. *Stuart*, avail of his quality as Attorney General, to encourage some of the Electors who shewed reluctance to take the qualification oath as proprietors?—Yes, several times towards those whom he knew were inclined to vote for him, and among others towards one *François Gazeille dit St. Germain*.

Did *St. Germain* offer himself twice to vote?—Yes, the first time, he went back, upon Dr. *Nelson's* remarking to him, that as he had given his property to his son, he had no longer any right to vote upon it, adding, "Listen, *Père St. Germain*, step aside, and make enquiry from persons of information, whether you have a right to vote or not; for my part I tell you, you have not any right to vote." Then some one of *St. Germain's* friends took him aside in the public square, where the Poll was held. The Poll was then transferred to the Presbytery; and in the meantime, Mr. *Stuart* went and spoke to *St. Germain*; and the moment after *St. Germain* came forward towards the Poll, with the apparent intention of voting, but without saying any thing. The Returning Officer asked him whether he came to vote. He answered that he did come to vote. Mr. *Nelson* observed to him for the second time that he had no right to vote. Whereupon Mr. *Stuart* told him that he had nothing to fear; that Mr. *Nelson* was a good Doctor, but was not acquainted with the law. I then perceived *St. Germain* draw back, as if he was afraid of voting; but the Attorney General then went towards him, took hold of his hand, and put it on the Evangelists, and said to him, "Don't listen to that, take the oath and give your vote; I am the Attorney General, and I alone have the right of prosecuting." Upon this *St. Germain* took the three oaths and voted for Mr. *Stuart*.

Did the Attorney General, (*James Stuart*) during the duration of the Poll, often make use of the expressions, "Don't be afraid, I am the only one who, as Attorney General, can prosecute you," or words to that effect, towards those whom he supposed, were inclined to vote for him?—Yes, I heard him make

use of these expressions, several times, and particularly towards one named *Adams*, to one named *Maney*, and to others whose names I do not recollect.

Did Mr. *Stuart* at times make use of threats towards those who voted against him, that he would prosecute them for perjury?—Yes, and that very often, that he would prosecute them; that he would put in prison and placed in the pillory, and that Mr. *Nelson* would not put his neck their instead of theirs.

What do you believe Mr. *Stuart* said all those things for?—To prevent those who were inclined to vote for Mr. *Nelson*, from doing so.

Did he put all his threats into execution?—He prosecuted several persons, and particularly my father, who was dragged up to the Criminal Court, for six Terms, without at any time having his trial.

Was there during the Election, any person taken up, and held to bail, by order of Mr. *Stuart*?—Yes, several were, after giving their votes; and amongst others *Louis Allard* and *Joseph Buckner*.

How did that happen with respect to *Allard*?—As soon as he had voted, Mr. *Stuart* ordered Dr. *Anthony Von Iffland*, to make a out warrant, and take up *Allard*, which was forthwith done. I was myself asked to be one of his bail, but others having done so before me, I was hindered from doing him that service.

Did not Mr. *Stuart* also threaten Mr. *Welles*, the Agent for the Seigniorship of *Sorel*, belonging to the Crown, that he would complain of him to the Governor if he did not exert himself more for the success of his election?—Yes, that was said in my presence.

Did Mr. *Stuart* prosecute any one of those who voted for him, although it was well known that several of them had taken the oath and voted without being qualified?—I have no knowledge that he prosecuted any.

Tuesday, 22d February 1831.

JACQUES LABRIE, Esquire, in the Chair.

Anthony Von Iffland, Esquire, of *Sorel*, examined:—

How long ago is it since you have ceased to act as Justice of the Peace?—Since the new Commissions of the Peace, which were issued about the first of November last, and in which I was included; but I did not take the oaths required.

Were you at *Sorel*, at the period of the contested Election between the Attorney General and Mr. *Wolfred Nelson* in 1827?—Yes.

Were you then an acting Justice of the Peace?—I was.

Had you opportunities of being often at the Poll, during the Election?—Very often.

Was that Election keenly contested?—Very warmly contested.

During the Poll, did it appear to you that some Electors came forward who shewed a reluctance to take the proprietor's oath?—Many.

Was not one *Gazeille dit St. Germain*, one of them?—Yes, he was one of that number.

Did not Mr. Attorney General encourage that man to take the oath, telling him, "Vote my friend, your vote is a good one; I wish I had twenty such," or words to that effect?—I do not believe that I was there at the time, but I heard several persons mention it shortly afterwards.

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Do you not think that such expressions from Mr. *Stuart*, as Attorney General, induced other persons, not better qualified than *St. Germain*, to vote at that Election?—Without doubt, if such expressions were used by him.

Did not Mr. *Stuart* often threaten to prosecute who voted against him for perjury?—Those who conceived unqualified, he threatened to prosecute for perjury.

Did he not say on those occasions, that he would prosecute them, would put them in prison, and have them placed in the pillory or in the stocks, out of which Mr. *Nelson* would not deliver them?—He frequently observed to persons whom he conceived unqualified, that they should be prosecuted for perjury, and explained the law touching the penalties, such as imprisonment and pillory.

Did he act in the way, without distinction, both towards those who voted for him, as those who voted for Mr. *Nelson*?—No.

Whose votes then did he so threaten?—Those of the opposing Candidate.

Where there any amongst those who voted against Mr. *Stuart* at that Election, who were arrested and held to bail, immediately after having voted?—There were several, about five or six, who were arrested during the Election, immediately after having voted.

Did you yourself grant any warrants of arrest?—Of course, upon the deposition of two persons, I immediately issued the warrants.

Were not Voters taken before you under arrest, before you had issued the warrants?—I cannot recollect, except issuing the warrants upon the depositions.

Did you hold them to bail, to appear at the Court of King's Bench?—Of course.

Were all of them prosecuted?—They were prosecuted.

Were you present at the Poll when one *Allard* voted?—I was.

When he voted, did not the Attorney General order you to apprehend him in your quality as Magistrate?—He did not command me to do so, but said that I being a Magistrate, he would send two persons to depose before me. Then I went along with those two persons to my house, and received the depositions.

Did the Attorney General to your knowledge, threaten any Public Functionaries, to complain to the Governor, if they did not actively promote his Election?—Yes, he did one Public Functionary; Mr. *J. K. Welles*, Agent of His Majesty's Seignior, and Barrack-Master.

Did it not appear that Mr. *Stuart*, by such a threat, gave it to be understood, that the then Administration, desired and were favorable to his election?—That is very natural of course, when a Public Functionary is threatened.

Did you not sometimes hear Mr. *Stuart*, pending the duration of the Poll, say to one named *Triganne*, a Bailiff, and to two others, named *Wilmot* and *George*, to go directly and value the property of such as had just voted against him; and do you know, that on their Report that the property was not worth £5, he caused them to be arrested?—I cannot recollect the names, but I remember perfectly well that he sent two persons to estimate the property of *Allard*. It is on the report of those persons that he was arrested.

Do you know that depositions were made against some of the Electors who were supposed to be unqualified, who had voted for the Attorney General?—I believe there were two or three, but I was not the Magistrate who received them.

Were those depositions put into the hands of the Attorney General?—I do not know. I believe the Magistrate was Mr. *Douaire Bondy*; he must, no doubt

have sent the depositions to the Clerk of the Crown. I remember now, and I desire to state that in one of the cases, Mr. *Douaire Bondy*, having ordered in the cases against one *Edward Manning*, who had voted against the Attorney General that he should be brought before me or any other Magistrate, the said *Manning* brought me before me; I received the recognizance, and committed him to the proper officer.

Did Mr. *Stuart's* voters who were thus apprehended, proceed against, and did they take their trials?—No.

In point of fact, is it within your knowledge that since the present Attorney General is in office, he is in the habit of prosecuting alone for Criminal Offences, and that the Solicitor General does not even interfere with the prosecutions?—The Solicitor General has not to my knowledge, interfered with the prosecutions since the present Attorney General is in office.

Did not, in the month of March last, at the close of the Criminal Term, or at any other time, the Attorney General send a man named *Schiller*, a Bailiff of the Court of King's Bench, or some other person, to *Sorel*, with ready written Affidavits to be sworn to by such persons as were disposed to do so?—I cannot recollect the time, but it is within my knowledge that a man of the name of *Schiller* came down to *Sorel*, for the purposes mentioned in the question.

Have you seen those Affidavits?—I have.

What did they contain?—I believe that there are some at *Sorel* in my possession. I can produce one or two, or probably three. They are very different from each other; but they all tended, more or less, to exculpate the Attorney General from the various accusations which had been laid against him.

What were the chief accusations from which he endeavoured to exculpate himself?—That of having used language at the hustings, that he, as Attorney General, was the only person who had a right to prosecute cases of perjury; I cannot recollect as to the rest. I believe he pretended also, that he had not used violence in the Election. There was another deposition addressed to *St. Germain*, the contents of which I do not recollect.

Did these depositions state that he had not threatened the Electors who had voted against him at the Election?—They merely stated that he had not employed any words which went to say, that he was, as Attorney General, the only person who could prosecute them.

Did you swear to the depositions that were addressed to you?—Yes, with alterations.

Whose are the depositions of that nature which you said you had in your possession?—They are those of persons who refused to swear upon them. That of *St. Germain* was never sent to him, he residing at a great distance.

Will you produce them to the Committee?—If I can lay my hands upon them, I shall transmit them to the Committee.

Do you know if those depositions were in the handwriting of the Attorney General?—I believe some of them were; that of Mr. *Crebass* was certainly.

What was the general impression at *Sorel*, as to the effect which the threats of the Attorney General, and the influence of the Administration, had upon the freedom of the Election?—They had not that effect, because the voters seemed very determined; but it tended very much to restrict the freedom of Election.

Did not the then Governor in Chief, Lord *Dalhousie*, reside at *William Henry* during the said Election?—Yes, he lived in the Borough.

Do you know if the Governor interfered in the said Election?—I have a knowledge that some Letters passed between the *Curé* and the Governor, or his attendants, respecting the Election. Did

Did Mr. Schiller tell you that it was the Attorney General who had given him the depositions of which you have spoken?—I think he did.

Did not Mr. Schiller say something else to you on the same subject, as coming from the Attorney General?—I do not recollect.

Did not the Attorney General, during the trial, threaten the Returning Officer, Mr. Crebassa, that if he did not take care of himself, he would deprive him of certain advantages of which he had the enjoyment under Government?—I do not recollect that he ever said that; but he often said to the Returning Officer that he was a stupid fellow and did not know his duty, or some such other abusive words.

Do you think those words had a tendency to intimidate the Returning Officer?—It might have had that tendency.

Wednesday, 23rd February 1831.

JACQUES LABRIE, Esquire, in the Chair.

Jacques Viger, Esquire, of Montreal, examined :

Were you one of the Members of the Grand Jury of Montreal, in the month of March 1830?—Yes, I was one of them.

Could you produce to the Committee a list of the Members who composed that Grand Jury?—Yes; I produce a list of the Jurors who were sworn in: Messrs. T. A. Turner, Foreman, François Languedot, Jacques Viger, Pierre Létourneau, Robert Armour, Alexis Laframboise, Charles Courteau, Lawrence G. Brown, Joseph de la Broquerie, Norman Bethune, Joseph T. Barrett, Norbert Vigneau, Godefroi Beaudet, E. B. Franchère, Hercule Olivier, Thomas Busby, J. B. Constantin, Horatio Gates and Thomas Barron.

Were any Bills laid before you which you considered such as should not have been brought before the Grand Jury of the Criminal Court of King's Bench, and did you make any Presentments on that subject?—Yes; on the last day of the Term, under that persuasion, we made a Presentment, whereby we represented, that, in the course of that Term, a number of Bills of Indictment for minor offences had been laid before us, which, in our opinion, ought to have been carried before the Quarter Sessions in the months of October and January preceding. The Jury likewise complained that several separate Bills of Indictment were laid before us, against the same persons, which might and ought to have been included in the same and sole Bill of Indictment.

Can you bring forward any proof in confirmation of what you state?—I will state such Bills as gave rise to those representations:—

1st. On the first of March, against Louis Martel, a domestic servant, for having obtained from a Boot and Shoe Maker, in the name of his master, a pair of Boots of the value of thirty Shillings sterling. The arrest took place on the 17th of December 1829, and the Jury were of opinion that this man ought to have been tried at the Quarter Sessions, in the month of January 1830.

2nd. A Bill against J. B. Blondin, for stealing a Bank Bill of the value of four Shillings and six Pence sterling. He had been taken up on the 17th of December, and consequently he ought to have been tried at the Quarter Sessions in the month of January.

3rd. The 2nd of March, two Bills against Michel Blais dit Perry, and Jean Marie Turgeon dit Desjardins, for stealing a Mare belonging to a man named Maccomber and a Gelding belonging to an Indian. The Jury considered that the Attorney General ought to have presented one Bill of Indictment, since both the Mares had been stolen on the same day and from the same person, and of the same person, who had them in his possession, as it will be seen he did with respect to the other indictments, of which mention will be made hereafter.

4th. A Bill against Jean Burbage, for having attempted to steal a Bag of Flour, belonging to the King, at Sorel. He was arrested on the 28th of December 1829, and the Jury were of opinion that he might have been tried at the Quarter Sessions in January 1830.

5th. A Bill against Pierre Guertin, and Timothé Guertin, for stealing two bushels of Rye of the value of 5s. sterling. Pierre Guertin who was the only one taken, had been apprehended on the 11th October 1829. (Compare this case with those of Bertrand and Codey. The trial might have taken place in October 1829, or in January 1830, at the Quarter Sessions in those two months.)

6th. A single Bill presented against Noël Bertrand, for stealing tools of the value of £2 10s. sterling, the property of two different persons. The arrest took place on the 11th of November 1829.

7th. Two Bills against Joseph Champagne dit Godère, for stealing fourteen Sheep, of which eight belonged to Albert Beaucair, and six to Marie Robert, but these last were let out to Beaucair and in his possession. The Jury were of opinion that only one Bill of Indictment ought to have been brought in, against Champagne, as the theft was committed on the same day, from the same inclosure, and from the same person.

8th. The third of March a Bill against J. B. Fournelle and Richard McGinnis, for stealing two pincers and a hammer of the value of 1s. 6d. sterling. Arrest on the 18th September 1829. This indictment might have been preferred before the Quarter Sessions in October 1829 or in January 1830.

9th. A Bill against John Carrol, for an attempt to steal goods, the property of one Dyer. The accused was arrested on the 7th December 1829.

10th. A Bill against Charles Charpentier, for stealing a table cloth of the value of 18s. Arrest on the 3d December 1829; Quarter Sessions in January 1830.

11th. Three Bills of Indictment against François Fournel, for having passed three counterfeit French half Crowns. The Jury thought that only one Bill of indictment ought to have been presented against the said Fournel, because these three Half Crowns had been passed to the same person, namely, Jean B. Sicard, on the same day, and in the short space of nearly half an hour; that the sole entire recital of these three acts of the said Fournel was requisite to establish the criminality of one, and that moreover the witnesses to be examined upon the three Bills of indictment were the same. This offence ought besides, in the opinion of the Jury, to have been carried before the Quarter Sessions of the month of January 1830, the imprisonment of the arrested dating from the 2nd of December, 1829.

12th. The fourth of March a bill against David Codey, for stealing sundry articles, the property of two different persons, value 8s.

Indictments thrown out by the Jury.

1st. A Bill against William Brock, for assault and battery. Arrest on the 6th December, 1829.

2d. A Bill against Pierre Millet and Pierre Lachance, for

for stealing copper to the value of 12s. *Pierre Millet* was alone arrested on the 11th October 1829, (returned *ignoramus*.)

Is it besides within your knowledge that trials took place in the same Term, which considering the nature of the Indictments, might, and ought to have taken place before the Quarter Sessions of the Peace?—Yes. I was in Court, when on the first day of the Term, the trial of *Duncan Macnaughten* for libel took place. He pleaded guilty; arrest in the month of September, 1828. It was for writing an abusive letter to a Commissioner for Small Causes.

2d. That of *John Oliver*, which took place on the 5th March, upon an indictment of having sold unwholesome meat. The Bill found by the grand Jury was in September Term, 1829. He was acquitted.

3d. That of *William Covey*, for intending to pass counterfeit money in his possession. True Bill of the month of September, 1829. Confession the 10th March 1830.

Could you produce a statement of the proceedings of the Criminal Court in the month March, 1830, when you were one of the Grand Jury?—Yes; here it is. It is made up from notes taken by myself at the time, and I believe it to be correct. (See Appendix C.)

Do you know whether, before the month of March last, representations were made by the Grand Juries of the Criminal Courts of *Montreal*, against the practice of prosecuting persons accused of minor offences, before the Courts of Superior jurisdiction, instead of before the Quarter Sessions of the Peace?—Yes; I know that such representations were made by the Grand Juries of the Court of King's Bench of February and March 1825; of the Court of King's Bench of August and September, 1826; of the Court of Oyer and Terminer, of August, 1829; and there was one also from the Grand Jury of the Quarter Sessions of April 1830.

Thursday, 24th February, 1831.

JACQUES LABRIE, Esquire in the Chair.

Frs. X. Perrault, Esquire, called in; and examined:

Are you one of the Clerks of the Peace for the District of *Quebec*?—Yes; since 1815, and I have been in the Office since 1798.

Can you state what kind of offences are brought before and tried at the Quarter Sessions of the Peace?—The practice in that respect has varied from the period when Mr. *Fletcher* presided at the Quarter Sessions. All offences which were not capital, (perjury always excepted,) were indicted and tried there; but some time after, and even in Mr. *Fletcher's* time, the Magistrates having refused to sit upon such serious cases, the practice was changed, and no other indictments came before the Sessions, than against persons accused of simple assault and battery; of assaults and with intent to murder; of assaults upon Public Officers in the execution of their duty; of simple thefts to the amount of five shillings; of simple grand larceny under five pounds; public nuisances of all kinds; all misdemeanors, such as obtaining money under false pretences, uttering counterfeit money, and others.

Can you state out of what funds, all these different kinds of offences are prosecuted?—The custom in this respect, has not always been the same. Formerly, that is to say, about the year 1816 and 1817, we took the money required for the prosecutions that must be car-

ried on at the expense of the public, out of the funds which were then called police funds, provided by the Legislature, out of which the Statute of the 42d *George* 3, allowed the sum of one hundred pounds to be drawn for that purpose; such at least was my impression that remains on my mind of the practice at that time. At that period, the Executive Council, upon the representations made to them by the Magistrates, and by the Clerks of the Peace, formed a tariff which regulated our fees; which obliged us from that time forward to keep books, in order to be enabled to make out the accounts which were to be laid before the Executive Council, to be examined and regulated. This being done we received an order on the Receiver-General who pays us out of the funds appropriated by the Legislature towards that object. This practice still continues.

Is it not within your knowledge, that the Legislature has voted certain sums of money to defray the contingent expenses of the Office of the Peace, and also the unavoidable expenses incurred in the execution of our duties as Clerks?—Yes; and the first Act of that nature which I am acquainted with, is that of 3d *Geo.* IV. cap. 38.

How much was appropriated towards that purpose by that Act?—It appropriated for that purpose, two hundred pounds Sterling for *Quebec*, and as much for *Montreal*, and directed that those sums should be applied to defray the expenses incurred by the apprehension and imprisonment of criminals, by order of the Chairman of the Quarter Sessions in those Cities, including the expenses of the Police-Office, and the services of the Clerks of the Peace out of Session.

Please to look over the statement (C.) of the proceedings of the Criminal Court of King's Bench for the District of *Montreal*, in March 1830; and tell us which of the indictments included in that statement would have been brought before the Quarter Sessions at *Quebec*?—Numbers, 1, 2, 10, 11, 14, 18, 19, 20, 24, 26, 27, 28, 29, 31, 32, 35, 39, 47, 48, 49, 50.

Do you still prosecute at your Quarter Sessions at *Quebec*, cases of libel, of the sale of putrid and unwholesome meat, of intent to utter counterfeit money, and of perjury?—The three first mentioned cases may be brought before and tried there. Cases of perjury may yet by the common law, and especially under the 8th of *Elizabeth*, be tried there; but the Court is not in the practice of trying them, but they only submit the indictments to the Grand Jury, in order to be afterwards removed to the Criminal Court of King's Bench, in case the Grand Jury return true bills.

You have said that the Executive Council, had given you a tariff, by which you were obliged to make out your accounts, in order to get paid: Can you produce that tariff?—I file a copy of it. (See Appendix B.)

Does the prosecution of an accused person in your Sessions, cost much less to the Province, in consequence of this tariff, than in the Criminal Court of King's Bench?—I reply that the expenses incurred by Government for prosecutions upon any criminal indictment, until conviction, or the discharge of the prisoner, at the Quarter Sessions, including affidavits, warrants, examinations of the prisoner, bill of indictment, subpoenas, charge to the petty Jury, judgment, and copy for the Gaolers, generally amount to thirty seven shillings and sixpence currency; whilst, to the best of my knowledge, in the Criminal Court of King's Bench, if a bill is returned a true bill by the Grand Jury, and submitted to a Petty Jury, and the trial takes place, the Attorney General alone does not receive less than seven pounds five shillings currency for his fees, exclusive of the cost of the processes issued during the proceedings, namely, subpoenas, bench warrants, and personal

personal arrests, and of their service, and other necessary matters.

Did you ever draw any of those sums?—We receive our contingencies, by means of the accounts mentioned before. Last year the account amounted to £177 13s 4d.

By what precedes, it appears you have never been the want of means for carrying on the prosecutions which are cognizable at the Quarter Sessions. Certainly not. Our contingencies are always paid to us; but I do not think that we are sufficiently remunerated for our trouble: this, however, does not arise from the want of funds, but from the control exercised by the Executive Council over our accounts.

You have before spoken of prosecutions that are to be carried on at the expense of the public. Are there any that are carried on at the expense of individuals?—Yes; all the cases of assault and battery alone.

Have you ever received any instructions to serve for your guide as to the selection of offences which ought to be tried at the Quarter Sessions?—Yes; in 1822, we received, in the month of July, instructions from the Governor in Chief; and also on the 16th August 1830 from Sir James Kempt.

What was the purport of the first instructions?—In order to make known the purport of them, I produce a certified copy. (See Appendix D.)

Did the last instructions you received contradict in any way the others?—On the contrary, they confirm them, and enjoin us strictly to conform to them, and to prove this I produce another certified copy. (See Ap. E.)

Were there, to your knowledge, any other instructions, in the interval between 1822 and 1830?—No.

Do you faithfully follow the instructions of 1822 and 1830?—As much as it has been in our power to do so.

When the Magistrates for the District of *Quebec*, admit persons who are charged with offences, prosecutable at the Quarter Sessions to bail, do they bind them by their recognizances, to appear before the said Court of Sessions or before the Court of King's Bench?—In such cases they hold them to bail to appear before the Court of Quarter Sessions.

Saturday, 26th February 1831.

JACQUES LABRIE, Esquire, in the Chair.

William Green, Esquire, called in; and examined:—

Are you one of the Clerks of the Peace for the District of *Quebec*?—Yes; since the year 1812.

From what funds are the expenses incurred by the prosecutions before the Quarter Sessions, defrayed?—To this question I make the same reply as Mr. *Perrault*; and moreover, that during a certain period the money was taken from certain funds called "Police funds," but the Magistrates being of opinion that those funds ought not to be made use of, but for improvements in the City, and not for prosecutions, we ceased to be paid out of those funds. We therefore addressed ourselves to the Executive, who did not hesitate to cause us to be paid, according to the tariff, during a certain period, after which they gave us a tariff on a reduced scale, in conformity with which we have continued to be paid, every six months, till this day.

Were any offences of such a nature as to be prosecuted at the Quarter Sessions, that were not so prosecuted, from the want of funds for the purpose?—No, never.

Who received the money that was voted by the Legislature for that purpose?—The Chairman of the

Quarter Sessions. Until the last year they were authorized thereto by law; but in the last Session, the House determined by its resolutions, that the money should be paid into the hands of the Clerks of each District to be made use of for that purpose, but under the sanction of the Magistrates. Nevertheless those moneys have never been paid into our hands.

Is the tariff, (B.) and say if it is correct?—It is correct; and the expenses incurred in the prosecution of an accused person before the Court of Quarter Sessions may amount to from 30s. to 40s.

Look at the papers (D.) and (E.) and say whether those are the instructions by which you are guided in the selection of prosecutions to be brought before the Court of Quarter Sessions?—Yes, and we have always conformed to them.

When the Magistrates of *Quebec*, admit persons to bail, who are charged with offences of a nature to be prosecuted at the Quarter Sessions, do they bind them over to appear at the said Sessions, or at the Court of King's Bench?—Always before the Court of said Sessions.

Do you know whether the instructions of 1822, (D) were addressed to all the Magistrates of each District?—I believe so.

Jacques Viger, Esquire, again examined:—

Have you any knowledge, that before the year 1822, and under date 29th July, a Circular, or Letter of Instruction, similar to that marked (D.) which the Committee exhibit to you, was addressed to the Magistrates of the different Districts?—Yes; and I can even furnish the French edition of it, (see French copy.) having received it last year from the hands of a public functionary, who, when he gave it to me, told me that that Circular had at that time been addressed to the Magistrates, in the French and English languages.

Tuesday, 1st March, 1831.

ISIDORE BEDARD, Esquire, in the Chair.

Pierre Louis Dellegalle, Bailiff, called in; and examined:—

Where do you reside?—I have resided at Sorel for six years. Were you present at the Election that took place at Sorel, July 1827?—Yes, I was present all the time as Constable of the Poll.

Who were the candidates at that Election?—Mr. James Stuart, Attorney General of this Province, and Dr. *Wolfred Nelson*.

Was that Election keenly contested?—Yes, very keenly. Did you hear the Attorney General threaten such as came to vote for Mr. *Nelson*?—Yes; he said to most of those who came to vote for Mr. *Nelson*: If you take the oath, I will have you sent to Montreal; you shall be put in prison; I will prosecute you for perjury; and I will make an example of you in the pillory.

Did he utter those threats to a man named *Antoine Aussyant*, and to one named *Hus dit Cournoyer*?—Yes; he used those threats to them, and he told them, they could not vote because they had made donation of their property.

Did a man named *St. Germain*, who had also made a donation of his property, offer himself to vote for Mr. *Stuart*?—That *St. Germain* came forward to vote, and said he had made a donation of his property, whereupon Mr. *Nelson* told him that he had no right to vote, and that he ought to get advice before he took the oath.

What did the Attorney General then say and do?—He said to him; "Vote, vote, my friend, your vote is good; fear nothing; I tell you, in my quality as Attorney General, that you have a right to vote; I am the Attorney General. It is only I who can prosecute you, do not fear any thing." Upon this, he took *St. Germain's* hand and placed it upon the Evangelists. *St. Germain* then took the proprietor's oath with reluctance, and voted for Mr. *Stuart*.

Did the Attorney General often repeat, that he was the Attorney General, and that it was he alone who could prosecute for perjury?—Yes; he said so to almost all the persons who came to vote for him, and who had any doubts as to their right of voting.

Do you know whether *Antoine Aussyant*, and *Hus dit Cournoyer*, whom

you spoke of before, were prosecuted for perjury, as the Attorney General had told them they should be?—Yes; they were; and it was I who took *Hus dit Cournoyer* into custody, as well as *Buckner*, and the widow *St Michel*, who had also voted against Mr. Attorney General.

Did the Attorney General make you sign any affidavit?—The day after the close of the Poll, *Dr. Von Iffland* came to tell me that the Attorney General wanted me, and desired me to go to him to *Wilmet's* the Tavern-keeper, where the Attorney General lodged. I got there, the Attorney General offered me an affidavit which went to certify that a man named *Joseph Clapgood*, who was against the Attorney General, was not qualified; I observed to the Attorney General that I could not sign that affidavit, as I was not of the truth of the facts it contained. Whereupon he said to me, "Will you sign it, yes or no?" wanting to make some remonstrances to him, he said to me, "If you do not sign this paper instantly you shall have cause to remember me." I then signed it; but I have ever since that time remembered him I remember him even still this day, as my family does too; and I shall remember him a long while.

Who swore you when you had signed that affidavit?—*Dr. Von Iffland*. Do you know whether some Electors who had voted against the Attorney General were arrested immediately after having voted, and by whose order?—The Attorney General told me, on the fourth day of Election, to go to *Dr. Von Iffland*, a Magistrate, residing at *Sorel*, and tell him, from him, to make out blank warrants upon charges of perjury; and he bid me make haste, and tell him to do so too. I then went to the Doctor's, and on my return, I told the Attorney General, that I had not found him; upon which he said to me that I had not sought him. Afterwards I found him, and I told him to make out blank warrants immediately, as the Attorney General wanted them. The Doctor then went with me to the Attorney General. I do not know what passed between them. On the same day, the Attorney General said to him at the Poll, in French, "Make haste," and after that time I did not see the Doctor at the Poll.

Do you know whether there were any Electors who were immediately arrested after having voted for Mr. *Nelson*?—Yes, directly; there were *Buckner*, *Aussant*, *Clapgood* *Hus dit Cournoyer*, and the *Widow St. Michel*. It was I who also arrested *Buckner*, *Hus dit Cournoyer*, and the *Widow St. Michel*, during the period of the Election, in virtue of a warrant from Mr. *Von Iffland*. I heard the Attorney General give orders to *Dr. Von Iffland*, to cause those persons to be arrested. Several persons who had voted for Mr. *Nelson*, were arrested during the time of the Poll.

Do you know whether any person who had voted for the Attorney General was prosecuted?—No, not to my knowledge; and as I reside at *Sorel*, I must certainly have known of it, had it been the case.

You have said that you would remember the Attorney General for a long while; did he do any harm to you?—Since the *Sorel* Election I have lost almost all my custom as a Bailiff, and I can only attribute it to the influence of the Attorney General. At *Montreal*, I went to take to him an account of what was due to me, as Bailiff for arresting *Hus dit Cournoyer*, the *Widow St. Michel* and *Buckner*. The Attorney General told me that he would not pay me, because I had not supported him at his Election at *Sorel*, and that I might go and get Mr. *Nelson* to pay me. This was at the Mansion House, and he repeated to me that I should have reason to remember him; and then he put me out of doors. I had several other claims upon Government; amongst others, one for having conveyed from *Sorel*, *Abraham Paradis*, *Jos. Charbonneau*, *Catherine Gagnon*, and *Joseph Bellerose* whom I had arrested upon warrants that had been sent to me; I had laid out money. My accounts amounted to thirty pounds, and I have lost the whole, because the Attorney General would never sign them.

(At the requisition of the Committee, the witness delivered in the following Warrant.)

6th August, 1827.

Warrant to apprehend *Antoine Paul Hus dit Cournoyer*.

District of }
Montreal. }
Anthony Von Iffland, Esquire, one of His Majesty's Justices for the District aforesaid.

To

And to all and singular the Peace Officers in and for the District, jointly and severally, Greeting:—

Whereas *Antoine Paul Hus dit Cournoyer*, of the Borough of *William Henry*, stands charged before me on oath with perjury, in having on the thirtieth day of July instant, at the Borough of *William Henry* aforesaid, at the election then and there held for electing a Member to serve in the Assembly of this Province, made a false oath, and sworn falsely before *Henry Crebassa*, Esquire, Returning Officer for the said Borough, touching and respecting his qualification on which he the said *Antoine Paul Hus dit Cournoyer*, then and there claimed the right of voting for a Member to serve in the said Assembly for the said Borough. There are therefore in His Majesty's name to require and command you forthwith to apprehend the body of the said *Antoine Paul Hus dit Cournoyer*, and him bring before me, to be dealt with according to law, fail not, at your Peril.

Given under my hand and seal at the Borough of *William Henry* aforesaid, this sixth day of August, in the year of our Lord, 1827, and in the eighth year of His Majesty's Reign.

(Signed,)

A. VON IFFLAND, J. P. (L. S.)

Mr. *Louis Marcour*, of *Yamaska*, called in; and examined

Where do you live?—At *St. Michel d'Yamaska*.

Were you present at the Election that took place at *Sorel* in July, 1827?—Yes; I was present all the time; I went there every day; I was then a shopkeeper at that place.

Who were the Candidates at that Election?—Mr. *James Stuart*, the Attorney General of this Province, and *Dr. Wolfred Nelson*, of *St. Denis*.

Was that Election keenly contested?—Yes; and I believe that it lasted seven days.

Have you any knowledge that the Attorney General threatened those who came to vote for Mr. *Nelson*?—Yes; he made use of violent threats towards almost all who came to vote against him. He told them that if they voted without having the right to do so, he would have them taken to *Montreal*, where he would have them prosecuted for perjury; that they should be put in the pillory, and that Doctor *Nelson* would not put himself in their place; that he was the Attorney General, and that he alone had the right of prosecuting. He used such threats to me, myself.

Did he make use of such threats to a man named *Hus dit Cournoyer*, and to one named *Antoine Aussant*?—Yes.

Are you quite certain that the Attorney General said that, in his quality of Attorney General, he was the only one who had the right of prosecuting for perjury?—Yes, I am very certain that he said to several voters, whose qualifications were doubtful, "fear nothing, I am the Attorney General, and I am the only one who can prosecute you for perjury."

Were you present when a man named *St. Germain* presented himself to vote?—Yes.

Did any one object to his right to vote?—Yes; Mr. *Nelson* told him that as he had made a donation of his property, he had no right to vote.

Did *St. Germain* admit the fact?—Yes; he repeated several times, I have given my property to my son.

What did the Attorney General then say and do?—The Attorney General said to him, "Vote my friend, your vote is a good one, I tell you in my quality of Attorney General that you have a right to vote. You have nothing to fear; it is only I who can prosecute you." Notwithstanding this, *St. Germain* appeared as if he was reluctant to give his vote, and the Attorney General then took his hand, and laid it on the Evangelists, saying to him, "vote, vote, my friend, you have nothing to fear." *St. Germain* then took the proprietor's oath, and voted for Mr. *Stuart*.

Are you quite certain that the Attorney General said on that occasion to *St. Germain*, "you have nothing to fear; I am the Attorney General, and it is only I that can prosecute you?"—Yes; I am very certain of it. I was sitting at a window, a very short distance from the Attorney General, and I am certain that the Attorney General then made use of those expressions when he spoke to *St. Germain*.

Do you know that *Hus dit Cournoyer*, and *Antoine Aussant* were prosecuted for perjury by the Attorney General, on account of the oaths they had taken at the Election of *Sorel*?—Yes, and all the Electors of *Sorel* know it. They were dragged from term to term for two years, as well as several others who were prosecuted on the same account by the Attorney General.

Was *St. Germain* prosecuted for perjury?—No; *St. Germain* was arrested as well as several others who had voted for the Attorney General, without having any more right to do so, than *Hus dit Cournoyer* and *Aussant*. But the Attorney General did not prosecute any of those persons.

Who were the Magistrates who signed the Warrants for the apprehension of those persons?—It was Mr. *Bondy*, a Magistrate for *Berthier*; and I was present when he signed the Warrant for the arrest of *St. Germain*, and of eight other persons. I myself carried the affidavits to *Montreal*. I delivered them myself to Mr. *John Delisle*, Clerk of the Crown; and none of those persons were prosecuted, except one named *Jean Camerac*, of *Sorel*, against whom the Grand Jury did not find any Bill. It was known that this *Camerac*, had not taken the oath before voting.

Do you know that several persons who voted for Mr. *Nelson* were



were forthwith arrested, almost as soon as they had voted?—Yes, immediately afterwards. In 1828, I gave Mr. Nelson an affidavit which contains the particulars respecting this subject. I offer it in now, as part of my evidence, in answer to the question that has been made to me.

(Which affidavit is as follows:—)

Louis Marcoux, of the Borough of William Henry, after having been duly sworn before the undersigned Magistrate, deposes and saith: That in July, in the year one thousand eight hundred and twenty-seven, he was present at the Election which took place at the said Borough for the purpose of electing a Member to serve in the ensuing Provincial Parliament for the said Borough; that James Stuart, Esquire, Attorney General, and Wolfred Nelson, Esquire, were the Candidates; that he, the said James Stuart, made use of every possible means, both by promises and threats, to ensure his own Election, behaving in the grossest manner towards certain persons who voted for the said Wolfred Nelson; telling them that he, the said James Stuart, as Attorney General, would have them put in the pillory, and that the said Wolfred Nelson would not put his neck in the place of theirs, with many other expressions of the same tenor; that he the said James Stuart employed two individuals, of low character, both as related to their knowledge, and to the repute in which they were held, to value the properties of several Electors who had just voted for the said Wolfred Nelson, and that as soon as they made a report that such properties were not worth five pounds sterling, he, the said James Stuart, caused them to be immediately arrested, within sight of many other persons present at the said Election, and that upon a warrant issued by Anthony Von Iffland, Esquire, one of His Majesty's Justices, who kept constantly at the said Election, together with the other Magistrates who were very zealous in promoting the Election of the said James Stuart, and whose conduct could not fail to have a great influence upon the Electors, so much so as to encourage several persons to vote for the said James Stuart, and to intimidate and prevent many others from exercising their rights as citizens; that he, the said James Stuart, even assured those who came to vote for him, that they had nothing to fear, he, the said James Stuart, in his quality of Attorney General, having the sole right of prosecuting such as against whom complaints might be made; or certainly assurances as strong as those; that he, the said James went even so far, as to take the hand of a man named Jean Baptiste Matte, and placed it upon the Holy Evangelists, although he, the said J. B. Matte, appeared very loath to swear to the validity of his vote; and that, in truth, he had nowise the right to vote, as the said deponent verily believes; and the said J. Bte. Matte, at the instigation of the said James Stuart, consented to take the oath in order to be able to vote for him; that moreover the said James Stuart, objected to almost all of those who voted for the said Wolfred Nelson, notwithstanding they had voted at the preceding Election, and that in the positive opinion of him, the said Deponent, they were fully qualified.

St. Ours, 12th November 1828.

LOUIS MARCOUX.

Sworn before me, }
the 12th November 1828. }

F. ST. ONGE, J. P.

Carmer Le Noblet, of St. Ours, examined:—

Where do you reside?—I reside at St. Ours, where I practice as a Notary since 1826.

Were you present at the Election which took place at the Borough of Sorel, in July, 1827?—I was present there for five or six days.

Do you know that the Attorney General used threats to such as came to vote for Mr. Nelson, and encouraged those who wished to vote for himself, and who were afraid to do it, because they believed themselves not to be qualified, by telling them to fear nothing, that he was the Attorney General, and that he alone could prosecute them for perjury?—Yes; the Attorney General used violent threats towards those who came to vote for Mr. Nelson, saying that he would have them put in the pillory; he made use of those threats to persons who, he said, had no right to vote, because they had made donations of their property; and he told those who wished to vote for him to vote without fearing any thing, as he was the Attorney General, and that he alone could prosecute them for perjury. In 1828, I gave Mr. Nelson an affidavit which contains some particulars relative to this matter. I offer it as part of my evidence.

(Which affidavit is as followeth:)

District of }
Montreal. }

Carmer Le Noblet, Notary Public, residing at St. Ours, in the County of Sorel, in the aforesaid District, after being sworn upon the Holy Evangelists, deposes and saith; that about the end of the month of July, in the year one thousand eight hundred and twenty seven, at the Borough of William Henry, in the County and District aforesaid, being several days at the Poll which was held there and then, for the purpose of electing a member to represent the Burgesses of that Borough in the ensuing Parliament of the Province of Lower-Canada, where James Stuart, Attorney General, and Wolfred Nelson, Esquire, were the Candidates, he the said Deponent did see and hear the said James Stuart, Esquire, say to one of the Electors who voted for him, and to whom the said Wolfred Nelson, Esquire, had objected, "Do not be afraid, nothing shall be done to you, I will be answerable for all." Deponent further declares that he saw and heard the said James Stuart, Esq. several times, insult and abuse the Electors who came to vote for the said Wolfred Nelson, Esquire; that he, the said James Stuart, Esq. with passion and vehemence, declared to the Electors who voted against him, that he, the said James Stuart, Esq. in his quality as Attorney General, would punish them, and would have them put in prison and in the pillory; and one day addressing one of the Electors who came to give his vote for the said Wolfred Nelson, Esquire, the said James Stuart, said to him, "I will have you taken up, and sent to prison," and that, in effect, as soon as he had given his vote for the said Wolfred Nelson, Esquire, he procured on the instant, a warrant from one of the Magistrates of Sorel, and caused the Elector to be taken up, who being surrounded and carried off by the Gendarmerie of the Attorney General, deponent lost sight of him; which, deponent firmly believes, induced several of the Electors to vote for the said James Stuart, and others although well disposed not to vote, in order not to be sent to prison by the Attorney General.

St. Ours, 17th November 1828.

LE NOBLET,

Sworn before me the Undersigned Justice of the Peace.

St. Ours, 17th November 1828.

F. ST. ONGE, J. P.

Are you quite sure that the Attorney General said to the persons who wanted to vote, that he was the Attorney General, and that in that quality, he was the only one who had a right to prosecute for perjury?—Yes; I am very sure of it.

(The following affidavit was then laid before the Committee:)

Deposition of Pierre Bourgeois this day, November 18, 1828: In the year one thousand eight hundred and twenty eight, on the eighteenth day of November, before me Pierre Grisé, Esquire, one of His Majesty's Justices of the Peace for the district of Montreal, appeared Pierre Bourgeois Tavern-Keeper, of the village of St. Denis, in the county of Richelieu in the said district, who, after being sworn on the Holy Evangelists deposes and saith, that being towards the end of the month of July in the year one thousand eight hundred and twenty seven, at the borough of William Henry, in the said district, he was for several days present at the Poll, which was then and there held, for the purpose of electing a Member to represent the Citizens of the said Borough in the ensuing Parliament of the Province of Lower Canada, where James Stuart, Esquire, and Wolfred Nelson, Esquire, were candidates, he the said deponent saw and heard the said James Stuart one of the said candidates, several times, insult and abuse the electors who came to vote for the said Wolfred Nelson, and that he, the said James Stuart, declared with passion and vehemence, to those of the electors who voted against him, that he, the said James Stuart in his quality of Attorney General, would punish them, and would have them put in the pillory, or words to that effect; and the said deponent further declares that when the said Wolfred Nelson objected to the votes of certain electors, who the said Wolfred Nelson did not believe were qualified to vote, he, the said James Stuart, assured them, nearly in these terms "that in voting for him they had nothing to fear, since it was only he, the said James Stuart in his said quality of Attorney General, who had a right to prosecute such offences" which induced, as the said deponent firmly believes, many of the electors thus objected to, to vote, although they had been publicly warned they had no right to do so. And the said deponent further declares, that, along with several others who were present at the

the said Poll, and in consequence of all the circumstances of which he has had personal knowledge, he firmly believes, that the menacing conduct, and the proceedings of the said *James Stuart* had the effect, not alone of intimidating, but of turning away several of the electors who appeared disposed to vote for the said *Wolfred Nelson*. And the deponent saith nothing further; and has declared that the present deposition contains the truth, and that he persists therein,

PIERRE BOURGEOIS.

Sworn before me the day abovesaid,

P. GRISE, J. P.

Friday, 4th March 1831.

ISIDORE BEDARD, Esquire, in the Chair.

Come *Seraphim Chevrier*, Esquire, Attorney, of *Montreal*, examined:—

Are you an Attorney practising at *Montreal*?—Yes.

Do you know that indictments for perjury were preferred by the Attorney General, at the term of the Criminal Court of King's Bench at *Montreal*, held in September 1827, against certain individuals who had voted against him at the *Sorel* election which took place in July 1827?—I know there were.

Can you say who those individuals were?—In the term of September 1827, bills of indictment were preferred by the Attorney General against *Antoine Aussant*, *Antoine Paul Hus* dit *Cournoyer*, *Nicholas Buckner* and *Joseph Clapgood*, for perjury alleged to have been committed at the said election at *Sorel*; which bills were thrown out by the grand jury.

Do you know that new indictments, for the same offence were preferred by the Attorney General, in any subsequent Courts, against the same individuals, and also against some others, who had voted against him, the said Attorney General?—At the Sessions of the Court of Oyer and Terminer, which took place in November, 1827, the said *James Stuart*, Attorney General, did prefer fresh indictments for perjury, against the same individuals, and also against several others who had voted against him at the said election, the names of whom as well as I can recollect, and are: *Jean Baptiste Cantara*, *Louis Allard*, *Marguerite Neven*, *Felix Lavallée*; these two last bills were thrown out by the Grand Jury. As to *Aussant*, the second Bill preferred against him, was also thrown out by the Grand Jury, but a third Indictment which was preferred against him for the same offence, was returned a true Bill by the Grand Jury, at the said Court of Oyer and Terminer. Finally, in a subsequent Term, another Bill of Indictment for perjury was preferred against a man named *François Vandal*, who had also voted against the Attorney General at the said Election.

Were you not engaged as Attorney in the defence of several of those individuals?—Yes; to wit; two whose trials did take place, namely, *Antoine Aussant* and *Nicholas Buckner*; as to *Clapgood* I did not conduct his defence.

When did the trials of *Aussant* and *Buckner* take place?—In March, 1830.

Can you state the reason why those trials did not take place at an earlier period?—The attempt which the Attorney General made to cause several of these trials for perjury to take place before special Juries drawn from the list prepared under the ordinance of 1785, chapter two, for civil cases; and the objections made by the accused against the legality of such proceedings, occasioned discussions which caused delays in those trials.

What was the decision of the Court on the objections raised by the accused on that subject?—The Court decided that Jurors drawn from the list prepared under the said ordinance, could not serve in criminal cases, that list being alone intended for civil cases; and the objections raised by the accused were thus maintained.

What were the reasons which induced the accused to object to those Jurors?—Those whose trials were sought to be brought before the Special Juries who had been nominated and chosen in September, 1828, had the greatest interest to get those Juries set aside, inasmuch as the greater part of them entertained and had warmly professed political opinions, which were diametrically opposed to those which had induced the accused to vote against the Attorney General. It was a matter of public notoriety that those Juries were under the influence of violent prejudices against the accused; who had moreover the more reason to fear the effects of that influence, as political excitement in the Province, was, at that period, carried to a great height.

Do you think that if those trials had taken place before a usual Petty Jury, those delays would have taken place?—If these trials had been had before a Common Jury as all prosecutions for perjury have always invariably been, those discussions would not have arisen, and the accused might have had their trial much sooner. They would have submitted to them with perfect confidence before a Common Jury.

Do you know that in March, 1830, the Court set aside the Special Juries, before whom *Buckner* and *Aussant* were to have had their trials?—The Court did set those Juries aside. The accused, amongst other objections, had maintained as one that the nomination of the Special Juries had been made by the Clerk of the Crown, without either they or their Counsel being present; and the Court itself declaring that to be the case, consequence set aside the nomination that had been made by the Clerk of the Crown, and the body of Jurors which resulted from that nomination were equally set aside. Nevertheless, the defendants who had, for a long time, been desirous of taking their trials, were willing that they should take place before that body of Jurors, which was different from those that had been selected in September, 1828.

What was the defence made by *Aussant*?—The defence was founded on the following facts: Some days before he voted at the said election of *Sorel*, a man named *François Gazaille* dit *St. Germain*, who like the said *Aussant*, had made a donation of his property, had voted for the Attorney General. When *Wolfred Nelson* the opposing Candidate to the Attorney General, objected to the vote of the said *St. Germain*, on account of his having given away his property; the Attorney General then said to the said *St. Germain*, that he could vote, and induced him to qualify as a proprietor by taking the oath required by the law; and the said *Antoine Aussant*, who till then had declined to vote, being informed of the opinion given by the Attorney General to the said *St. Germain*, conceived that he had a right to vote as well as the said *St. Germain*. These are the facts which were brought forward in defence of the said *Aussant*; I must remark that I had no personal knowledge of them, not having been present at that election; but they were satisfactorily proved at the trial, and *Aussant* was acquitted.

Do you know whether the said *St. Germain* was prosecuted?—He was not.

What became of the indictments against the other individuals whom you have mentioned?—After *Aussant* and *Buckner* had been acquitted, the Attorney General did not take any ulterior proceedings upon the other indictments; nor did he require those persons who were under bail to renew their recognizances.

Is it within your knowledge, that affidavits were put in the hands of the Attorney General, which charged persons who had voted for him at the said election, with perjury?—When the trials of *Aussant* and *Buckner* took place, the Attorney General admitted that affidavits, accusing some of the individuals who had voted in his favour of perjury, had been put into his hands.

The Committee then considered the Evidence taken before the Special Committee of the House of Assembly, on the Petitions complaining of Grievances in the Session of 1828—9; which Evidence taken from the Appendix (E. E.) of the printed Journal of this House for 1829, is as followeth:—

The Reverend *J. B. Kelly*, Priest, Curate of *Sorel*, appeared before the Committee, and was examined as follows:

How many years have you been Curate of the Parish of *Sorel*?—Eleven.

Do you reside in the Borough of *William Henry*, (*Sorel*), and have you always lived there since you have been Curate of the said Parish?—Yes.

Did the then Governor, the Earl of *Dalhousie*, pass the summer of 1827, in the house belonging to Government, in the said Parish?—Yes, he passed the summer there.

Did the Governor, Lord *Dalhousie*, reside there during the time of the last General Election, and particularly during the time the Election was going on in the Borough of *William Henry*, of a Member to represent the said Borough?—Yes, he was then living there.

Was the said Election warmly contested?—Very warmly.

Did you receive from the then Governor, any communication relative to the Election, before or during the time it was going on?—I received none from the Governor himself; but Mr. *Welles* communicated to me a Note, which had been written to him by the Governor's order, by one of his Aides-de-Camp, and which Mr. *Welles* had orders to communicate to me: this was while the Election was going on.

What is Mr. *Welles*, and what post does he hold at *William Henry*?—He is Agent for the Seignior, and Barrack Master.

What

What was the nature of the communication you have just spoken of?—A threat of complaint to the Bishop, and even to the Minister of State in *England*, if I did not stop one of the members of my family from interfering at the said Election.

Who was the said member of your family?—My father.

Did Mr. *Welles* communicate to you the Letter in question?—He showed it to me: I do not remember whether I read it myself; or whether he read it to me.

From whom did this Letter come?—From Captain *Maule*, the Governor's Nephew and Aide-de-Camp.

Who were the Candidates?—The Candidates were Messrs. *James Stuart*, (the Attorney General,) and *Wolfred Nelson*.

For which of the two Candidates had your father interested himself?—For Mr. *Wolfred Nelson*.

What answer did you give Mr. *Welles*?—That I was entirely unacquainted with my Father's proceedings; that I had not even heard them spoken of; and that it being my principle not to interfere in the Election, it was absolutely against my intentions that he had so acted.

Was your Father an Elector for the Borough?—No.

Had you afterwards an interview with the Governor himself, and some conversation with him on the same subject?—Yes.

Was this while the Election was going on?—Yes.

Can you say what was the nature of that conversation, and on what it turned?—The conversation turned on the proceedings imputed to my Father with regard to Election, His Excellency alleging, that the sentiments manifested by my Father at the Election must of necessity be mine, since he lived in my house, adding that he could not believe it was otherwise, and that he had been told that a cabal had long been formed against the views of Government, with regard to the said Election.

What remarks did you then make on this subject?—I remarked to the Governor, that although I did not myself interfere in the Election, or even with politics, I was always glad to know what was going on; and that I could assure His Excellency that the Inhabitants of the Borough of *William Henry*, had not in any manner been for a long time caballing with respect to this Election; that it was the business of the moment, that they had no wish to do what might be offensive to himself or to the Government, and that the opposition was to Mr. *Stuart* personally, who at that very time was still abusing all who came to vote against him.

Did you visit the Governor, in consequence of the communication Mr. *Welles* had made to you?—Yes.

Did you then speak to him, and did you enter into some explanation with him before the commencement of the conversation?—I told him that I came in consequence of a Letter written by his Aide-de-Camp to Mr. *Welles*, inculpating me in the business of the Election.

Did you after that time receive any new Communication from the Governor on the same subject?—Yes.

What was the nature of this communication?—After the Election I went to the Governor's house, to call on him, as I was in the habit of doing from time to time; having spoken to one of his Aides-de-Camp, he told me that His Excellency being busy, could not see me: I replied to the Aide-de-Camp, that it was the same thing, and that I would come again another time; two hours afterwards, I received a Note from Captain *Hope*, one of the Governor's Aides-de-Camp, and written by his orders, informing me that he was commanded by

His Excellency to tell me, that in consequence of what had happened at my house, in relation to the Election, His Excellency conceived it to be contrary to his public duty to receive my visits any longer.

Can you produce this Note, or a copy of it?—I cannot produce it at this moment; and I beg to be allowed until to-morrow to do so.

Did you, in consequence of this Letter, yourself write to the Governor, the Earl of *Dalhousie*?—No, but I sent an answer to the Aide-de-Camp from whom I had received the Note.

Did the Governor send an answer?—Yes.

Can you lay before the Committee, the correspondence which passed on this subject?—I cannot at this moment; I beg to be allowed until to-morrow to do it.

Do you know *André Lavallée*, of *Sorel*?—Yes.

Does he enjoy a good character, and may his testimony be credited; is he a proprietor of real property in the Borough of *William Henry*?—Yes, he is a sober and honest man, and a proprietor in the Borough.

Ordered, That *André Lavallée* be required to appear before the Committee to-morrow at ten o'clock.

André Lavallée, of the Parish of *Sorel*, *voyageur*, was called before the Committee, and examined as follows:

Are you a proprietor in the Village of *Sorel*?—Yes.

Are you an Elector for the Borough of *William Henry*, as proprietor?—Yes, I have a building lot, (*emplacement*), with a house and buildings on it, and I reside there.

Do you know Mr. *Samuel Gale*, of *Montreal*; and when did you last see him?—I do know him. The last time I saw him, was on the day before that on which the last Election for the Borough of *William Henry* was to begin, towards the end of the month of July 1827. I drove him on that day from *Sorel* to *St. Michel d'Yamaska*.

Had you on this occasion any and what conversation with him on the subject of the said Election?—Yes, he began by asking me whether I was an Elector for the Borough of *William Henry*; upon my saying I was, he asked me for which of the two Candidates I intended voting; I told him I did not know, and that I had not yet decided for whom I should vote: he then put his hand into his pocket and drew it out full of money, as it appeared to me, (there were several pieces of money, saying to me, "if you vote for Mr. *Stuart*, I will give you what I have got in my hand."

What was your answer to this?—I refused him, saying that I could vote without being paid.

Did not this conversation take place at *Sorel* itself when Mr. *Gale* spoke to you on the subject?—Yes, it began as we were starting from *Sorel*. Mr. *James Stuart*, the Attorney General, and one of the Candidates at the Election, passed close by us with Mr. *Welles* and Dr. *Jon Iffland*, who were canvassing for votes. When they saw us they bowed and signed to us to stop, but as I suspected that they meant to solicit my vote, I paid no attention, and drove on. Mr. *Gale* then remarked to me, that he thought Mr. *Stuart* was canvassing for votes, and it was thereupon that the conversation I had with Mr. *Gale*, as I have just related it, commenced.

Can you positively say that Mr. *Gale* offered you money to vote in favor of Mr. *Stuart*?—Yes.

Jean Crebassa, of *Sorel*, Shopkeeper, then appeared before the Committee, & was examined as follows :

Do you know *André Lavallée*, of *William Henry*, the witness who has just been examined?—I am well acquainted with him : he is a perfectly honest man.

Was he an Elector for the Borough of *William Henry* at the time of the last Election in 1827, as being a proprietor?—Yes, he is proprietor of a building lot, a house in which he lives, and buildings.

Were you present at the last Election held at *William Henry*, in 1827?—Yes, I attended every day, but not continually.

Was this Election warmly contested?—Yes.

Do you know Mr. *Welles*, of the said Borough of *William Henry*?—Yes.

Does he hold any situation of a public nature in the place?—He is the Government Agent for the Seigniority : I believe he is also Barrack Master ; and he is a Justice of the Peace.

Who were the Candidates at the said last Election in 1827?—*James Stuart*, Esquire, Attorney General, and Doctor *Wolfréd Nelson*, of *St. Denis*.

Did not Mr. *Welles* take a very active part at this Election, in favor of the Attorney General?—He took an active part in favor of the Attorney General.

Was he exposed to any threats on the part of either of the Candidates, on the subject of the said Election?—He received some from the Attorney General.

What was the nature of these threats?—Mr. *Stuart* addressed him at the Poll, during the Election, and threatened him, that if he was not more active he would report him to the Governor.

Was the Governor (Lord *Dalhousie*) at that time living in the neighbourhood of the said Borough, in the Parish of *Sorel*, and did he not pass the Summer there?—Yes ; he passed a great part of the Summer there.

Were there many persons present at the Poll when the threat you have just spoken of was made to Mr. *Welles*?—Yes, a great many.

Were there several Justices of the Peace in the Borough of *William Henry* at the time of the last Election, and what were their names?—There were Messrs. *Robert Jones*, *John K. Welles*, *Henri Crebassa*, *Anthony Von Iffland* and the Rev. Mr. *Jackson*, Minister of the English Episcopal Church. With regard to the last, I do not know whether he has taken the oath in order to qualify himself as Magistrate : I have never seen him act in that capacity.

Did they all interfere very actively in the Election, and in whose favor did they interest themselves?—They all, with the exception of Mr. *Jackson*, & of Mr. *Crebassa*, (who was returning Officer) took a very active part in the said Election, in favor of the Attorney General.

Were any of these Magistrates dismissed? They were not.

The Rev. *J. B. Kelly*, again appeared, and being called upon to produce Captain *Hope's* note, and the correspondence mentioned in his examination of yesterday, produced Captain *Hope's* note, which is as follows :

Mr. *Hope* is directed by Lord *Dalhousie*, to inform "the Rev. Mr. *Kelly*, that after what has passed in his "house on the subject of the last Election, His Excellency does not believe it to be compatible with his "duty to receive Mr. *Kelly's* visits for the future.

"*Sorel*, 14th August."

Wednesday, 4th February, 1829.

Present :—Messrs. *Viger*, *Heney*, *Lefebvre*, *Leslie* and *Cuvillier*. L

Mr. *Viger* in the Chair.

Mr. *Pierre Trigatne* of the Borough of *William Henry*, Bailiff of the Court of King's Bench, appeared before the Committee, and was examined, as follows :—

How long have you been resident at *William Henry*?—For nearly two years.

Was the Election for the choice of Members to serve in the Provincial Parliament, in July 1827, warmly contested in the Borough of *William Henry*?—Yes.

Did you interest yourself about the Election, did you take a part in it, and in whose favor?—Yes, in favor of *Wolfréd Nelson*.

Were any threats used towards you about punishing you, or causing you to be punished for having taken part in the said Election?—Dr. *Von Iffland* came to my house in the afternoon of the 2d or 3d day of the Election ; he told me to take good care of myself, for that the Attorney General was angry with me, because it appeared that I took part in favor of Mr. *Nelson* ; & that it might happen that he might do me a mischief, as he had much influence with the Sheriff. On the following morning, he came to ask me on the part of the Attorney General, whom I was going to call on at Mr. *Burke's* ; he said to me, "are you not a public officer?" On answering in the affirmative, he said to me, "it seems that you are making great exertions against me." I said to him, "it appears that you are prejudiced against me." He asked me if I had a vote to give, for whom I should give it ; I told him that I did not come there to flatter him, and that if I had a vote, I should give it to whom I pleased.

Did you hear threats used at the poll towards the electors who came to give their votes, and by whom and to what electors were they used?—I heard the Attorney General say to several persons who appeared to have come for the purpose of voting for Mr. *Nelson*, and who afterwards voted for him, "take good care "of yourselves, for if after you have taken the oath, it "appears that you have no right to vote, I shall prosecute you ; and if you give a false vote, you will be "guilty of perjury, and will be put in the pillory ; Mr. "Nelson won't take your place for you."

Was Mr. *Von Iffland*, whom you have mentioned above, a magistrate in the Borough of *William Henry*, and is he so still?—He was at that time, and I believe he still is.

Was he a warm partizan ; and in whose favor?—He appeared to be a warm partizan of the Attorney General.

Narcisse Crebassa, Esquire, of *William Henry*, Student at Law, was then called in, and examined as follows :—

Do you reside at the Borough of *William Henry*, and how long have you done so?—I was born there, and I am twenty-four years of age.

Was the last election of Members to serve in the Provincial Parliament, in 1827, warmly contested in the Borough of *William Henry*?—Yes.

Did you attend at the poll during the continuance of the said election?—Yes, the greater part of the time.

Do you know that threats were frequently used towards the electors who came to vote?—Yes ; on the part of one Candidate, (Mr. *Stuart*, the Attorney General,) towards many of the electors, who came to vote for Mr. *Wolfréd Nelson*, the other Candidate.

What were these threats?—He said to many of the electors who came to vote for Mr. *Nelson*, that they had no right to vote : and if they voted without being very

very sure that they had a right to vote, he was Attorney General, that he would prosecute them, and cause them to be put in the pillory: And when Mr. Nelson assured them that they had a right to vote, Mr. Stuart told them to take good care; that Mr. Nelson would not put himself in their places, that he might be a good Doctor, but that he did not understand the law; many were intimidated by these speeches, and did not vote till some time afterwards.

Were not several electors arrested and put under bail during the course of the election?—I believe seven or eight.

Do you know that a man of the name of *A. Germain*, the elder, voted at the said election, and in whose favor?—He voted for the Attorney General.

Had this *A. Germain*, to your knowledge, any real property belonging to him?—No; he had made a donation of all his property many years before, and had only a life rent, a circumstance which he himself explained at the poll, before he voted.

Was much opposition made to his vote being received, and was there much discussion made on this subject; and what passed at that time?—Mr. Nelson remarked to him, that having made a donation of all his property he had no right to vote, and told him to take good care of what he was about to do: on which *A. Germain* showed some repugnance to taking the oath. The Attorney General said, that in his quality of Attorney General, he told him he had a right to vote, and bade him fear nothing. The Attorney General restored his courage by taking his hand and putting it on the Testament for him; he then took the oath as a proprietor, and voted for Mr. Stuart.

Do you know that many other persons in the same situation as *A. Germain*, voted in consequence of the opinion the Attorney General pronounced with respect to *Germain*?—After Mr. *St. Germain* had given his vote, two persons, named *Aussant* and the other *Hus dit Cournoyer*, who also made donations of their property, voted for Mr. Nelson: when they offered to vote, the Attorney General objected to them, saying, that having made donations of their property, they had no right to vote, and that he would prosecute them for perjury; upon which several persons, and the men themselves, observed that Mr. *Germain* having voted, and being in the same situation, they had a right to do so; and they did vote, after having taken the oath on the requisition of the Attorney General.

Were *Aussant* and *Cournoyer*, of whom you have spoken, indicted for perjury at the Court of King's Bench for Criminal matters at *Montreal*?—Yes.

Was *Germain* himself prosecuted in the Court of King's Bench?—No.

Were there several other electors, whose votes were objected to by Mr. Nelson, as those of persons who had no real property, and who did not pay a sufficient rent to qualify them?—There were several.

Did several of these persons take the oath to qualify them as proprietors or tenants?—Yes, several.

Were any of the electors who voted for Mr. Stuart, at the said election, prosecuted before the Court of King's Bench?—Several were indicted for perjury, arrested in consequence, and put under bail; but I do not know that the prosecutions were carried on.

Did the Attorney General prosecute several of the electors who voted for Mr. Nelson, at the Criminal Court?—Yes; he prosecuted several.

John Delisle, Esquire, again appeared and his examination was continued:—

Were there many indictments for perjury laid before

the Grand Jury at the Criminal Term of September 1827?—There were five, of which four were thrown out and one found.

What were the names of the persons indicted?—The four first indictments were against *Antoine Paul Cournoyer*, *Nicholas Buckner*, *Antoine Aussant* and *Joseph Clapgood*; the one that was found was against *Joseph Allard*.

Did not these indictments relate to perjuries alleged to have been committed at the election which took place in the course of the summer for the Borough of *William Henry*?—Yes.

Was it not publicly notorious that the Attorney General had been a Candidate at the said election?—Yes.

Was it not equally notorious that he had lost his election?—Yes.

Were fresh indictments brought against the same persons and for the same offences, at the Court of Oyer and Terminer held in the month of November of the same year?—Yes, against the same persons; and also against *Jean Baptiste Cantura*, *Rosalie St. Michel* and *Louis Allard*, for perjury alleged to have been committed at the same election, and these eight bills were found. An indictment was also brought against *Louis Marcoux* for subornation of perjury, and this bill was also found.

Were the persons so indicted tried during the sitting of the said Court of Oyer and Terminer?—Not one of them.

Were all the persons so indicted, compelled to give security for their appearance at March Term following?—To the best of my knowledge they were all obliged to find security for their appearance at the Criminal Term in March following.

Were they brought to trial during the said Term in March?—No.

Were they again obliged to give security?—I think they were, for the September Term following (1828.)

Were they brought to trial during the last September Term, (1828)?—Only one of them was tried, *Joseph Clapgood*, and he was convicted.

Were the other persons so indicted put under bail?—I believe so, to the best of my knowledge.

In what manner did these indictments come before the Court of King's Bench?—They were removed from the Court of Oyer and Terminer, by a Writ of *Certiorari* addressed to the Commissioners of the said Court of Oyer and Terminer.

Were not all the Judges of the Court of King's Bench included in the number of the Commissioners of the said Court of Oyer and Terminer?—Yes; and according to the terms of the Commission, the Court could not be held without the presence of one of them.

Were you Clerk of these said Courts of Oyer and Terminer?—Yes; by virtue of a Special Commission for each of the said Courts.

Were indictments for Libel brought against certain Editors or Printers of Public Newspapers, during the sitting of the said Court of Oyer and Terminer held in November, 1827?—During the sitting of the said Court of Oyer and Terminer in November 1827, the Grand Jury found three indictments; one against *Jocelyn Waller* and *Ludger Duvernay*; another against the same persons, and a third against *James Lane*.

Were the persons so indicted Editors or Printers of Public Newspapers?—Yes.

Were further proceedings taken against the said persons before the said Court?—No.

Were they put under bail, and what was the amount of bail?—They were put under bail for their appearance in the March Term following, (1828), and as far as I can recollect the amount of the bail, was £500 for the

the Principal, and £250 for the two Securities on each indictment.

Were they not at the same time, obliged to give security for their good behaviour?—Yes; that was included in the bond.

Were proceedings taken against the said persons, in the Criminal Term of the Court of King's Bench, held in March?—No proceedings were taken against them, but they were compelled to give fresh security for the month of September following, (1828), and during the course of this Term it was ordered, on the motion of the Attorney General, that they should be brought to trial before a Special Jury, in the September Term following.

How did these indictments come before the Court of King's Bench?—They were removed from the Court of Oyer and Terminer to the Court of King's Bench in March, by a Writ of *Certiorari*, in the same manner as the others of which I have before spoken.

Were any further proceedings taken on these indictments, or on any of them, in the September Term following?—Special Juries had been had in all the cases of which I have before spoken; a Return had been made by the Sheriff of the Special Jurors summoned on the indictments found against *Joseph Constantineau*, *Eloi Benéche*, *Augustin Loriau*, *John Woolscamp*, *Louis Dechantal* and *John M'Donell*. This Jury was dismissed at the instance of the persons indicted, and no other proceedings took place on any of the indictments of which I have spoken.

Were not the lists of Jurors (of which that made by yourself and the Attorney General was one) taken from the list drawn up for the Courts of Civil Jurisdiction?—Yes.

Had a Special Jury ever been moved for in the Courts of Criminal Jurisdiction before the period of which you spoke?—No.

By whom were you required to strike the Special Jury?—By the Attorney General.

Extract from the evidence of *Jacques Viger*, Esquire.

Do you know that several prosecutions for libel were brought before the Criminal Court at *Montreal*, last year?—Yes.

Were not those prosecutions occasioned by certain writings published at *Montreal*, in the *Canadian Spectator*, *La Minerve* and *Spectateur Canadien*?—Yes.

Have you, since March, 1827, observed writings or paragraphs extremely violent against the people of the country, their Representatives, or the House of Assembly, published in the Official Gazettes and other papers in the interest of the Administration?—Yes; and some of these writings were republished as pamphlets, and distributed gratuitously, or at very low prices.

Are you aware that any of the Editors or Printers of the said Gazettes were prosecuted for libel?—They were not prosecuted.

In your opinion, have not the said Gazettes frequently furnished matters as legitimate for prosecution for libel as the newspapers first mentioned?—Most certainly.

Was it not the general opinion that the said public papers would not be indicted, because they were on the side of the Administration?—Yes.

Extract from the evidence of *Henry Griffin*, Esquire,

Do you know whether several prosecutions for libel were instituted last year, at *Montreal*, in the Criminal

Courts, or the Courts of Oyer and Terminer?—I have understood so.

Was it not a thing of public notoriety?—It was.

Were not the said prosecutions occasioned by certain writings published in the "*Canadian Spectator*," "*La Minerve*," or the "*Spectateur Canadien*?"—I believe they were.

Were those papers generally favorable to Lord *Dalhousie's* Administration?—They have never been considered so.

Have you had occasion sometimes to read the *Montreal Herald*, the *Montreal Official Gazette*, the *Quebec Official Gazette*, or the *Quebec Mercury*, since March 1827?—I have had occasion to read them all, except the *Quebec Mercury*.

Did you observe in any of the said papers, writings or paragraphs extremely violent against the people of this country, the Representatives, or the House of Assembly?—I have remarked some violent paragraphs of that description, which no doubt arose from similar paragraphs in the *Spectateur Canadien*, *Canadian Spectator* and *Minerve*, against the Administration and its supporters.

Do you know whether any of the Editors or Printers of the said papers, the *Montreal Herald*, *Montreal Official Gazette*, or the *Quebec Official Gazette*, were prosecuted for libel?—I am not aware of it.

Were the said papers last mentioned, favorable to Lord *Dalhousie's* Administration?—Yes.

Extract from the evidence of *Charles Mondelét*, Esqr.

Were any prosecutions for libel instituted in the District of *Three-Rivers*?—There were no prosecutions at *Three-Rivers*; but there were at *Quebec* against myself, although I was constantly resident at *Three-Rivers*.

Between the publication of the libel imputed to you, and the time when the bill of indictment against you was preferred at *Quebec*, was no Criminal Court held at *Three-Rivers*, at which such bill might have been preferred and prosecuted as effectually as in the Capital; and was there any thing remarkable in the manner in which these prosecutions were commenced and carried on against you?—The bills of indictment preferred against me by the Attorney General, were so preferred in the month of March last. The two articles attributed to me, were published in the *Quebec Gazette*, the one, (a letter to Lord *Dalhousie*,) in November 1827, and the other, (the proceedings of the Constitutional Committee of the District of *Three-Rivers*, on the 25th February last,) on the 28th of the same month. A Criminal Court was held at *Three-Rivers*, which commenced on the 13th March last, and which by law take cognizance of Criminal matters on the first four judicial days of the Term of the Court of King's Bench. The Attorney General might have prosecuted me there, and I remember that the Public of *Three-Rivers* were much astonished that the Attorney General had not preferred a bill of indictment against me at *Three-Rivers*, seeing that Mr. *Vezina*, one of the King's Counsel, had openly said, that we (the Committee of the 28th February, of which I have before spoken,) would be there indicted for having held a seditious meeting at Mr. *Kimber's* house. It is true that in public, another reason was assigned for the Attorney General's silence, that the respectability of the Grand Jury, which I believe, (though I am not very certain of it,) had been summoned before the appearance of the proceedings of the 25th February, offered, as it was said, no very flattering prospect to the Attorney General. Such at least were the opinions expressed in public. The circumstances

stances which gave rise to these prosecutions, were as follows:—I have already said, that by the General Order of Militia, dated the 5th November, 1827, and published in the *Quebec Official Gazette*, on the 8th of the same month, I was deprived of my rank of Captain Aide-Major of the heretofore division of *Boucherville*. On the 12th of the same month, a letter addressed to Lord *Dalhousie*, appeared in the *Quebec Gazette*. This letter was at the time attributed to me; I was then at *Quebec*; I remained there from the 9th until the 17th November inclusively; I was every day in the Court of Appeals: the Attorney General and the Councillors saw me there; I even pleaded before the said Court. The Attorney General did not cause me to be detained; there were at that time no proceedings against me. In January following I went down to *Quebec*; I was in the Court of Appeals; I saw the Attorney General, and was seen by him there; I pleaded before the said Court; no intimation was given to me that the letter to Lord *Dalhousie*, attributed to me, was looked upon as a libel. After the prorogation of Parliament in November 1827, a general meeting of the inhabitants of the District, was held in the Town of *Three Rivers*, for the purpose of adopting and laying before the King and Imperial Parliament, Resolutions and Petitions against Lord *Dalhousie's* Administration. Messrs. *Legendre* and *De Courval*, of whom I have before spoken, were the Deputy Chairmen. Since that time, they have zealously co-operated with their countrymen, and have continued to encourage the people in their just remonstrances. The *Quebec Official Gazette* announced to the public that they had been deprived of their rank as Lieutenant Colonels, and charged by Lord *Dalhousie* with "having shewn themselves the active agents of a party hostile to His Majesty's Government." As these gentlemen had always been remarkable for their loyalty, the public believed, that their crime was that of having taken part in the deliberations of the people against Lord *Dalhousie's* administration. It was resolved, that the public opinion on this subject should be expressed. A meeting was in consequence held at Mr. *Kimber's*, at which resolutions and addresses to these two gentlemen, were adopted; and to these they returned answers. These proceedings, which were treated as crimes by the Attorney General, are to be found in the No. 3830 of *The Quebec Gazette*, and were published on the 28th February 1828. I have already said that a Criminal Court was held at *Three Rivers* on the 12th March 1828; I was there; I acted as an Advocate; I was seen by the Attorney General; I had even occasion to come in contact with him in the discussion of a point of law; but the Attorney General did not stop there. On the 23d March, five citizens of *Three Rivers*, Mr. *Kimber*, the late Dr. *Talbot*, and Messrs. *P. E. Dumoulin*, *A. Z. Leblanc*, and *William Vandenvelden*, received *subpœnas* commanding their attendance before the Grand Jury at *Quebec*, on the 28th of the same month, "to prove evidence against me for a misdemeanor." On the 2d April, 1828, I was arrested in my office at *Three Rivers*. The Provincial Court, which sits from the 1st to the 10th April, was then sitting. The High Constable, Mr. *Aylwin*, shewed me two warrants by which I learnt that two indictments for *libel*, had been found against me by the Grand Jury at *Quebec*: after an hour's preparation I was obliged to leave my family, and my business, of which I had a great deal in the April Term, and go down to *Quebec*. The roads were very bad, and the ice worse, the Sun having at that time much power. I arrived at *Quebec*, on the 3d April, at 11 at night. The next day, (Good Friday,) I was obliged to give bail before the Chief Justice, in £500, on each of the indictments, myself in £250, and each of my securities in £125, on each of the indict-

ments, for my appearance at the Criminal Term of September following, and for *good behaviour* in the *mean time*. I made no opposition to those proceedings, because I knew the Court had required bail from the other persons indicted for libel; I considered it useless to try the question. I left *Quebec* on the following day; travelling was then dangerous, the ice being bad. In compliance with the conditions of the bail bond, I was obliged to leave *Three Rivers* on the 30th of September last. The Court of King's Bench was then sitting, I was obliged to leave my business and my clients, and to go down to *Quebec*. On the 1st day of the Criminal Term at *Quebec*, I was called into Court by the Clerk of the Crown, but was not called upon to plead to the indictments. I was in Court from day to day, (with the exception of two or three days of sickness,) I shewed myself to the Attorney General; I asked him if he intended to proceed against me: he answered me that he had informed my counsel, that if he wished to proceed against me, he would inform me of it. In this manner I was detained in *Quebec* for nine days without any proceedings. On the last day of the Term, the Attorney General addressed the Court, stating that the multiplicity of business had prevented his proceeding against the persons indicted for libels, and requiring that we should give fresh bail for our appearance at the next March Term, and I was obliged to do so, notwithstanding the opposition I had made. Before I gave bail, I wished to except to the jurisdiction of the Court, the Attorney General, in opposing this, said that I ought to plead in writing; the majority of the Court decided that I should plead in writing. I am now under bail for *good behaviour*, and for my appearance at the next March Term; the bail was given for the same amount as in April last. I have since sent my plea to the jurisdiction of the Court to *Quebec*, after having, in September, obtained leave to file it.

What is the nature of the indictments brought against you?—I took communication of the indictments brought against me, at the Office of the Clerk of the Crown. I am there indicted for *seditions libels*, as being *the enemy of the Government*, and other expressions of nearly the same nature, with relation to the misdemeanors with which I am charged. In one of those indictments, a letter to Lord *Dalhousie*, of the 10th of November, 1827, published as I have said before said in *The Quebec Gazette* on the 12th of the same month, and which has been attributed to me, is inserted at full length, and styled a *libel*. The other indictment is founded on the proceedings of the Constitutional Committee of the District of *Three Rivers*, on the 25th February 1828, the remarks, which were attributed to me, included. I have already mentioned that the whole may be found in No. 3830 of *The Quebec Gazette*, published on the 28th February 1828.

Have you paid any attention to the newspapers which have been published in this Province for nearly two years past, and which were in the interest of the Administration during the time Lord *Dalhousie* was Governor of this Province?—Yes; I have been in the habit of paying very close attention to the affairs of the country, and to the papers in the interest of Lord *Dalhousie's* administration, as well as the others.

Have you observed whether in the papers in the interest of the said Administration productions were inserted in which the people and the Representatives of the country, or the public men who opposed the said administration, were insulted?—Yes, and very often.

Could you point out some instances?—Yes; and I now produce the following extracts from the "*Quebec Mercury*," "*The Quebec Official Gazette*," and the "*Montreal Official Gazette*." These writings extend from

from the 1th November, 1827, to the 8th September, 1828, inclusively. I might have produced many others at the time the Parliament was prorogued on the 7th March, 1827, and since that time.

Extract from the *Quebec Mercury*, speaking of the debates in the Assembly on the question respecting the Speaker, (No. 96 - 24th November 1827.)

"The present Provincial Parliament is now prorogued, and the *Knights, Citizens and Burgesses*, in the Proclamation misnamed *faithful*, have forty days to reflect on their *misdeeds*.

"What good can be expected from a body who have exhibited such a perfect ignorance of their duty, such an utter contempt for all constitutional authority, and such blind obedience to an unprincipled leader, as have been shewn by the majority of the Assembly of the Provincial Parliament of *Lower Canada*, in their memorable Session of three days duration."

"The Commons of *Lower-Canada* succeeded to the full, in rendering themselves contemptible and ridiculous."

Extract from the *Montreal Official Gazette* of the 26th November 1827, vol. 4, No. 86.—Editorial Paragraph.

"We are perfectly astonished at the phrenzy and delusion which characterize the first acts of the House of Assembly."

Extract from the *Quebec Official Gazette*, of the 26th November 1827. Editorial Paragraph. Speaking of the conduct of the House, in persisting in the election of Mr. *Papineau*, as Speaker, and of the Prorogation of the Parliament:

"Such for the present has been the winding up of a scene that nothing could justify, and which, without the firmness shown by the Head of the Administration, would undoubtedly have been followed by a Revolution in this Province."

The same Gazette under the same head:

"We should not render justice to the small number of His Majesty's faithful and loyal subjects, who formed the minority in this scandalous scene, if we did not make them known to our readers."

Extract from the *Montreal Official Gazette* of the 29th November 1827, vol. 4, No. 86.— Editorial Paragraph.

(Speaking of a meeting held at *Quebec*, on the subject of the territory in dispute between the *United States* and *New-Brunswick*, it supposes in the House of Assembly, the view which it attributes to the said meeting held at *Quebec*, those of Revolutionizing the country: the paragraph is as follows, word for word:)

"We think we can conjecture the object of those who convened the *Quebec* meeting, and who are so anxiously awake to the dignity and interests of this Province. If we are not mistaken, they fancy they see, in the present position of the *United States*, a favourable opportunity for the accomplishment of their daring schemes. They imagine that the election of Gen. *Jackson* to the Presidency is certain, and conceive from that event, assistance may be derived to carry into execution, schemes of national independence and personal aggrandizement. The probability of this event may also have determined the obstinacy of the House of Assembly, and encouraged them to persist in their strange resistance. By alarming the British Government on this point, by keeping up a high

toned remonstrance, and by using all the common topics of *oppression, tyranny, &c.*, they flatter themselves that their object will receive a more ready accomplishment, and that they may wrest from alarm and apprehension, what a sense of justice would never concede to them. If these motives are the mainsprings which influence the conduct of the future dignitaries of the "*Nation Canadienne*," we humbly conjecture that they read the signs of the times very badly. We hardly conceive the possibility of the General's success, and still less the chance of his entertaining the wild idea of Canadian conquest; and that there is an infinitely less proportion of probability in the idea of the British Government being influenced by such speculations to yield any point, the concession of which could be attributed to any thing but a sense of justice. In such a case, the claims of the Assembly must ever be resisted, as neither justice, reason nor propriety, have any relation or connexion with them."

Extract from the *Montreal Official Gazette* of the 29th November, 1827, in a Communication signed "An Anglo-Canadian:":

"But our political declaimers and would-be definers of the British Constitution, would have it understood that British Liberty is alone concentrated within the walls of the House, which by its late measures has evinced itself to be the *Forum of Republicanism*."

Quebec Official Gazette, 13th December, 1827. In a Communication, signed C. D. E.; speaking of the House of Assembly, and comparing it to Judas (on the subject of the question respecting the Speaker:)

"It has no palliative to attenuate the baseness of its treason" * * * * * and further, "this obstinacy in evil, which sacrifices every thing to the accomplishment of its criminal designs." * * * * * "If such a conduct on their part does not justify the charge I bring against them of *rebellion* against the Mother Country, and of *treason* against their Constituents, I do not understand those words, and according to me they have no longer any meaning."

Quebec Official Gazette of the 10th January 1828, vol. 5 No. 11.

(Editorial Paragraph.)

"All the aggressions to be traced to the former, (speaking of the House of Assembly,) "the late measures of the popular branch of the Legislature, are of that unequivocal description * * * * * after so many years of gradual assumption, of secret hostility and undermining, it is rather an improvement in the method of aggression so long acted on by the factious and discontented, to find that they now openly attack what before they covertly sought to subvert."

Montreal Official Gazette of the 21st January 1828, vol. 33.—No. 6.

(Editorial Paragraph.)

(Speaking of the meeting called for the 25th January 1828, at *Montreal*, for the choice of Agents: this paragraph is too long to be copied at full length, it presents some remarkable passages; I extract a few:—)

"At the period of political excitement, when we perceive the object of a faction which a long course of successful ambition has urged to still more extensive projects than those at which they have hitherto aimed; when we see this same faction endeavouring to excite and inflame the country into sedition, and arranging

“preparations and preliminaries which might serve to be called into treasonable exercise in times of open Rebellion.” * * * * * “In this Assembly of Deputies, we see the embryo of a NATIONAL CONVENTION; we see a meeting of departmental Delegates from the different Seigneuries, and elected in no constitutional form and for the purpose of treating of matters which are not of trifling importance, or mere local improvements; for their avowed objects are to dictate to the British Government to subvert the power of the Executive. * * * * * The NATIONAL CONVENTION, once met, will not easily dissolve itself after having named their Agents; but will continue its deliberations upon subjects of more importance to the future peace and tranquility of this Province. New objects of their ambition will be pointed out, new plans adopted, new campaigns arranged, and new difficulties devised to impede the Government of the Province, and render nugatory the intentions of the Mother Country.”

Quebec Official Gazette of the 31st January, 1828.
(Editorial Paragraph.)

“The contents of the Resolutions forming the basis of the charges which the *Montreal* faction intend to lay at the foot of the Throne and before the Imperial Parliament, against His Excellency the Governor in Chief, have also reached us. These charges — they are a mere tissue of falsehood and calumnies engendered by the malice of the factious, which are victoriously answered by the contents of contrary Addresses, signed, and not marked, with the seal of ignorance.”

Extracts from the Addresses to Lord *Dalhousie*, and his Answers thereto:—

Quebec Official Gazette of the 10th January 1828, vol. 5—No. 11.

Address from *Three-Rivers*.

In speaking of the claims of the House of Assembly:—

“That it is principally to the groundless pretensions and unparalleled usurpation on this subject,” (meaning the 14th *Geo. III*, chap. 88,) “the civil miseries of this Province are originally to be attributed; and that unless speedily checked by the firm arm of the supreme authority of the Mother Country, we may yet live to record and to lament transactions the most dangerous to the welfare of our civil government and society, and scenes the most disgraceful to virtuous and loyal citizens.”

Answer:

Among other things:—

“I acknowledge that you have spoken in them” (the Resolutions) “the language of truth, with the boldness which becomes British subjects, when claiming their rights.”

Answer to the *Quebec* Address:

Quebec Official Gazette.

The following words are there to be read:—

“In resisting the encroachment of a faction,”

Answer to the *Montreal* Address:

Quebec Official Gazette of the 10th January, 1828.

“In this Address you have traced most justly the mischievous tendency of the measures pursued, for past years, in the Provincial House of Assembly..... When compared with recent more daring attempts to deny the Royal Prerogative, indubitably and invariably recognized.”

Address from the County of *Warwick*:—

Quebec Mercury, 26th January 1828.

“We would likewise beg leave to state to Your Excellency, that if the many advantages that ought to have accrued in this Province from the wisdom of Your Excellency’s Administration have not been realized, it may be attributed to the unwarrantable pretensions of the House of Assembly and their adherence to a line of conduct opposed to the Prerogative of the Crown, and to the character and dignity of their own body.”

Answer.—Extract.

“I have had great satisfaction in seeing by the language of the Address, as well as of many recently received, that the conduct of these factious leaders is generally condemned and reprobated by every loyal and respectable man in *Canada*.”

Address from the Inferior District of *St. Francis*:—

Quebec Official Gazette, 21st February 1828, on the subject of the conduct of the House of Assembly and the prorogation.

(After having spoken of the hostility and pretended insults received from Mr. *Papineau*, and after having lauded the conduct of Lord *Dalhousie* in refusing him, the Address contains the following language:)

“Your Excellency’s energetic decision has most providently furnished the occasion for the display and detection of the real principles which influence the factious and their resistance to Your Excellency’s Government; in their violence they have betrayed the enormity of their unconstitutional pretensions, and in their Resolutions they have exposed the character and tendency of the revolutionary propensities by which they are animated. His Majesty’s faithful subjects in this Province, must endure the mortification of seeing the popular branch of the Legislature, made the tool of the unhallowed ambitions of designing *demagogues*, who, under the mask of royalty, cherish the deepest hatred of the English name, and the most active animosity to His Majesty’s Government.”

Answer by *A. W. Cochran*, Esquire, Secretary, 10th Feby. 1828.—*Official Gazette* 28th February 1828:

“I am directed by His Excellency, &c., to acknowledge, &c.,..... and to convey to you His Excellency’s assurance that the sentiments they have expressed in their Address, are in the highest degree gratifying to His Excellency personally.

“To *William Henry*, Esquire,
“*Sherbrooke*”

Address

Address from the Inhabitants of the Townships of
Leeds, Ireland, Inverness and the Seigniorship of *St. Giles*, in the County of *Buckingham* :—

“ We have seen with the deepest regret the conduct of the House of Assembly in endeavouring to subvert the blessings of our Constitution, by repeatedly frustrating the liberal views of Your Excellency, for the improvement of the institutions and good Government of the Province : and by assuming rights not vested in them, attempting to set aside the authority of our beloved and most Gracious Sovereign, and the Imperial Parliament, over this portion of the British Empire.

“ Deeply as we deplore the attempts of the late Assembly, we have to felicitate ourselves and the country, on the energy and wisdom which Your Excellency has shewn, in supporting the just prerogative of the Crown, by recently rejecting as Speaker of the present House of Assembly, a person whose public conduct rendered him unfit for that high office ; and we pledge our lives and properties to defend those rights which Your Excellency has so ably and constitutionally supported.

“ January 8th 1828.”

Answer : (by Mr. *Cochran*, 27th February 1828 :—)

“ And I am to request that you will assure them, that His Excellency feels much gratified by their approbation of the conduct of Government during the period of his Administration.

“ To *H. M. Blaiklock*, Esquire.”

Address from the Townships of *Lochaber* and *Buckingham* :—

Quebec Official Gazette, 21st February 1828 :—

“ It is with deep regret mingled with indignation we contemplate the systematic and continued opposition made to all your measures by a faction, who at once arrogate to themselves the power of Legislation, and the rights of the Crown. . . . We deprecate the attempts of these individuals, under the specious mask of patriotism, to excite discontent and distrust of the Justice of His Majesty's Government among a portion of the Canadians. . . . and we sincerely hope. . . . that their evil designs will soon recoil upon themselves with merited disgrace.

“ We applaud Your Excellency for the firmness with which you have opposed their ambitious schemes.

“ 11th February 1828.”

Answer (by Mr. Secretary *Cochran*, 18th February 1828 :—)

Quebec Official Gazette, 28th February 1828.

Among other things :

“ His Excellency requests that you will assure the Inhabitants of those Townships, that he feels highly gratified by this Address.

“ To *Wm. McLane*, Esquire,

“ *Lochaber*.”

Address from *Compton* :

Quebec Official Gazette, 21st February 1828.

“ A want of respect to Your Excellency— shown by a party acting under the influence of a few factious men—and to declare our unqualified approbation of the firm and temperate measures which your Excellency has pursued in resisting the attempts which have been made to encroach on the rights of the Crown—Residing in a remote part of the Province, and virtually unrepresented in the Provincial Parliament, we have been forced to remain almost silent spectators of what has been passing in public affairs, till a faction has, by its violent proceedings and most unjustifiable conduct, developed its views and principles, step by step—We attribute the withholding of our just and lawful rights to no other cause than the selfish views and narrow minded policy of a few persons who lead the majority of the Lower House.

“ We beg leave to assure your Excellency that all we have in our power may be relied upon in every exigency.”

Compton, 1st Feby. 1828.

Answer (by Mr. *Cochran*,) 8th February 1828.

“ I am directed, &c. that you will convey his thanks to the Inhabitants of the Township of *Compton*, for the expression of their sentiments contained in their Address—and that you will assure them that His Excellency is much gratified in finding that their loyal and constitutional feelings are so general and so decided in that part of the Province.”

To *A. D. Bostwick*, Esquire.

Address from *William Henry*.

Quebec Official Gazette, 8th September, 1828.

“ But we should be wanting in the knowledge we have obtained of the political state of the Province, were we to fail in attributing the existing difference to men, misled by private passions and views, and who with a warm desire for personal popularity and aggrandizement, subvert and satiate the minds of an uneducated people, by pretensions and assumptions not only inconsistent and in direct opposition to constitutional principles, (but what is of great importance,) to the very happiness and prosperity of this promising appendage of the British Empire.”

30th August, 1828.

Answer :

“ The sentiments now expressed from them, in approbation of my conduct in this Government, are highly acceptable.”

3d September 1828.

Address from the Magistrates and Inhabitants of *Quebec*.

Quebec Official Gazette, 8th September 1828.

Alludes generally to the differences in the Legislature and adds, that “ His Excellency could not accede to the claims of the House of Assembly.”

Answer :

“ This address conveys their sentiments in terms highly

"highly acceptable and honorable to me, and I shall retain it, as the best answer to be made to all the calumnies and slanders which have proceeded from a few malicious agitators, scarcely deserving notice."

Address from *Montreal*.

Quebec Official Gazette, 8th September 1828.

"The Province owes it to your Lordship that a dissolution of the Government with consequent anarchy and ruin had not taken place, which must have happened from the popular branch proceeding to extremes, in order to enforce submission to its will, without caring for the evil, which such a course of conduct must necessarily have produced, had not your Excellency, to avert such a calamity—and the Assembly in direct violation of the Royal Prerogative, persisted in the choice of a Speaker, after his approval by the King's Representative had been refused; one step more, and the Royal right of Prorogation may be questioned and the concurrence of the Council, and the Royal assent to Bills, be considered as empty forms—all who prefer a mixed Government, administered upon British Constitutional principles, to the doctrines of those who deceive the unthinking, by false pretensions, in order to promote their individual purposes."

14th August 1828.

Answer:—

"For myself I return the most grateful thanks for the open and steady support I have received from *Montreal*. The opinions entertained there, have given me confidence in my path: and with the sentiments which you now express on my departure, I shall go forward, with the same firm purpose, unto the end—and possessed with such testimonials as I carry with me from the enlightened and educated population of *Canada*."

Address from the Magistrates and Inhabitants of the Town of *Three Rivers*.

Quebec Official Gazette, 8th September 1828.

"Your Excellency has fought the good fight of the Constitution——If you had not been able to preserve it from insult and inroad, your Excellency has at least defended it from injury and destruction. Your Excellency has had to contend with the most powerful opponents in a free state, popular clamour, ignorance and prejudice——the predominancy of which without that check, which your Excellency by a Constitutional exercise of your powers, so resolutely and seasonably applied to it in this Province, has ever been followed by perpetual and irremediable anarchy." (The sequel to this address is the grossest flattery.)

Answer:—

"The most flattering tribute of approbation from the Magistrates and Inhabitants of the Town of *Three Rivers*, would have been acceptable to me on any occasion, but it is infinitely more acceptable on the eve of my departure from this Country, in all probability for ever.——I have disregarded popular clamour, and the slander of wandering scribblers.——My sense of duty has never been influenced by such common weapons, and I leave them behind me as utterly inoffensive.——I can leave no better record to guide the young to a close as honorable as this which you now testify to me."

The Committee then took into consideration the several Extracts from the Presentments of Grand Juries which follow:

No. 1.

Extract of the Presentment of the Grand Jury of the Court of King's Bench for the District of *Montreal*—filed 9th September 1826.

"The Grand Jury further present; That the practice of bringing before the Court of King's Bench numerous indictments for inferior crimes, is attended with serious inconveniences. This practice embarrasses the Court with more business than can well be dispatched notwithstanding the extension lately given to the Term, and the long and laborious Sessions which take place. There being but two Criminal Terms of the Court of King's Bench in each year, such of the accused as cannot have their trials during the first Term, are obliged to remain a long space of time imprisoned waiting the next Term; so that they are frequently too severely punished by this long detention, even if guilty, and most unjustly so, if innocent. In either case they are thus exposed to all the bad effects of idleness, and of an involuntary confinement among dissolute and abandoned characters."

No. 2.

Extract of the Presentment of the Grand Jury of the Court of Oyer and Terminer, and General Gaol Delivery of *Montreal*—filed 31st August 1829.

"By a list of the Prisoners now in Gaol, various persons appear to be in confinement who were committed previous to the sittings of the last Court of Quarter Sessions, for offences cognizable by that Court, but against whom no Bills of indictment have been preferred. In one instance in particular, the long imprisonment which the accused party has undergone, appears to the Jury even more than adequate to the offence itself; and the Grand Jury would respectfully submit that a proper investigation into the cause of those delays in bringing Prisoners to trial, should be instituted."

"A large portion of the time of the Grand Jury having been occupied in the investigation of accusations for very trivial offences, it appears to them advisable that some powers should be vested in Magistrates by the Legislature similar to those they possess in *England*, for the summary punishment of small offences."

No. 3.

EXTRACT of the Presentment of the Grand Jury of the Court of King's Bench for the District of *Montreal*—filed 10th March 1830.

"The Grand Jury further present; That during the present Term a number of Bills of Indictment have been laid before them for Petty offences, which might have been tried in the Quarter Sessions in the months of October and January last."

"The Grand Jury further present; That several Indictments have been laid before them against the same individual for offences which, in the opinion of the Grand Jury, might have been embraced in one and the same Indictment; but they are not aware nor do they give an opinion where the fault lays."

No.

EXTRACT of the Presentment of the Grand Jury of the Court of Quarter Sessions in the City of Montreal—filed the 30th April 1830.

“ The Grand Jury have been retarded in their enquiries respecting the Bills of Indictment laid before them by the defective attendance of witnesses, and have learned with regret that no money is allowed by His Majesty’s Government to pay witnesses attending on the part of the Crown. This is a great and a public loss, as it causes many cases to be brought before the Court of King’s Bench that might and should be tried before the Court of Quarter Sessions, which renders such trials more expensive to the public, and prolongs in many instances the confinement of persons committed for minor offences. The Grand Jury present this circumstance as an unnecessary infringement of the liberty of His Majesty’s subjects, a waste and misapplication of the public money, and an unnecessary augmentation of the fees and emoluments of His Majesty’s Attorney General.”

[No. 5.]

EXTRACT of the Presentment of the Grand Jury of the Court of King’s Bench for the District of Quebec—filed 31st March 1828.

“ In closing their labours, the Grand Jury notice with deep regret the intemperate language used in the Public Papers by both of the political parties, into which this otherwise happy country is divided; and though acting under the obligations of their oaths, they have not hesitated in finding Bills for libel against the Printer of a News-paper published in this District; they have no less concern in stating that the general conduct of other Papers published and circulated in this District, and entertaining other political opinions, is, in many cases, equally mischievous and deserving public reprobation.”

APPENDIX

[A.]

District of }
Montreal. }

Henry Crebassa, Esquire, residing in the Borough of *William Henry*, having been duly sworn upon the Holy Evangelists deposes and saith; that he filled the situation of Returning Officer at the Election which was held in the said Borough, in the month of July, one thousand eight hundred and twenty-seven, in order to elect a Representative for the said Borough in the Provincial Parliament. That deponent, in his capacity as Returning Officer as aforesaid, administered oaths to the persons named, *Antoine Aussant*, *Antoine Hus dit Cournoyer*, *Nicholas Buckner*, *François Vandal*, *Jean Baptiste Cantara*, and others, before receiving their votes at the Election. That at the time the said above mentioned persons offered themselves to give their votes, *James Stuart*, Esquire, one of the Candidates, objected to their admission as not receivable for

want of qualification on their part. That the said *James Stuart* requested Deponent, to explain to the said above named persons their want of qualification, and the consequences to which they would expose themselves by taking the oath required in such cases; which Deponent declined to do, conceiving that his duty did not require him to do more than to administer the said oath. That the said *James Stuart*, thereupon explained to the above named persons, as much as the opposition made to it by the opposing Candidate and his partizans would permit, their want of the right of voting, and likewise made known to them the punishment to which they would expose themselves by taking a false oath; but that the said *James Stuart*, on none of the said occasions, when the said above named persons or any other persons whatsoever took the aforesaid oath, or at any other time during the said Election, to the knowledge of Deponent, neither said, nor gave to understand that he, in his quality of Attorney General, had alone the right of prosecuting such persons as rendered themselves guilty of perjury; nor that those who should vote against him would be prosecuted, whilst those who voted for him had nothing to fear. Deponent further saith that he has no knowledge that during the course of the said Election similar expressions, or any expressions to which such a sense could be given, were uttered or made use of by the said *James Stuart*. That it appeared to Deponent that the said *James Stuart* by what he said to the above named persons, on the occasion of their taking the oaths they did, at the said Election, meant to put them on their guard, by apprising them of the penalties to which they would expose themselves by taking false oaths, and not any thing else; whilst the opposing Candidate, insisted on their right to take the oath and to vote, encouraged them to do so, and said to several of them, and particularly to the said *Aussant* and *Buckner*, that he would guarantee them against all evil consequences, if they insisted upon taking the oath.

Sworn at

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[B.]

Tariff by the Executive Council for the Clerks of the Peace.

Deposition,	£0	5	0
Warrant and Recognizance,	0	5	0
Examination of Prisoner,	0	2	6
Drawing an Indictment,	0	6	8
Proceedings before Petit Jury,	0	13	4
Original Subpœna,	0	3	0
Copy,	0	1	0
Bench Warrant,	0	5	0
Precept to the Sheriff,	0	11	8

Certified,

GREEN & PERRAULT,
Clerks of the Peace.

Quebec, 25th February, 1831.

N

[C.]

PROCEEDINGS of the Criminal Court of King's Bench, for the District of Montreal, in March 1830.

Names of the Accused.	Charges.	Value of stolen goods.	No. of witnesses.	Date of Offence.	Date of commitment, and by whose order.	Return of Grand Jury.	Proceedings in Court.	Quarter Sessions of the Peace where the charge might have been tried, and other remarks.
1 Louis Martel,	Obtaining goods under false pretences,	pr. boots, 30s. sterling.	2	16th Decr. 1829.	17 Dec. 1829, S. Gale.	True bill, 1st March 1830.	Confession, 1 March 1830.	January Sessions, 1830.
2 J. Bre. Blondin,	Larceny,	Bank bill, 4s 6d.	2	17th do. do.	17 do. do. do.	do. 1st do.	Conviction, 2d do.	do. do.
3 Pierre Larrivée,	Stealing a cow,		2	2nd Novr. 1829.	2d Nov. do. do.	do. 1st do.	do. 2d do.	
4 Barnabé Cardinal,	Theft above 5s. in a store.	Beaver skin, 40s.	2	9th Feby. 1830.	10 Feb. 1830 do.	do. 1st do.	do. 2d do.	
5 Joseph Larence,	Arson, - - - -		3	1st Jan'y do.	7 Jan. do. Globensby	do. 1st do.	No proceedings.	
6 James Nues and Daniel Daly,	For feloniously & maliciously shooting at Sarah Noxon, - -	- - - - -	2	17th do. do.	March. The Court.	do. 2d do.	Acquitted 4 March	
7 J. B. Quevillon,	Stealing a cow,	- - - - -	4	2nd Oct. 1829.		do. 2d do.	No proceedings.	
8 Michel Blais dit Perry, and J. Marie Desjardins dit Turgeon, - - - -	Stealing a mare,	- - - - -	3	1st Nov. do.	5 Nov. 1829 H. Crebassa	do. 2d do.	Blais convicted 5th March, Turgeon acquitted, do.	The mare was the property of McCumber, and the horse of an Indian; but why, say the Jury, two indictments, when the thieves were the same persons, the animals in the same enclosure at the time they were stolen? and theft took place on the same day and at the same instant, & the witnesses were the same individuals.
9 The same,	Stealing a gelding,	- - - - -	3	1st do. do.	5 do. do.	do. 2d do.	No proceedings.	
10 John Burbage,	Attempt to steal certain goods belonging to His Majesty (at Sorel),	A bag of flour,	4	24th Decr. 1829.	28 Dec. do. R. Jones,	do. 2d do.	Conviction 3 March	Quarter Sessions of Jan'y. 1830.
11 Pierre Guertin and Timothée Guertin,	Larceny, - - - -	2 bushels of rye, 5s.	2	15th Feby 1827.	P. Guertin, 11th Oct. 1829 by T. Guertin, 2d March 1830 by the Court.	do. 2d do.	P. Guertin, acquitted, 5th March.	Sessions of Oct. 1829 and Jan'y. 1830.
12 Ganael W. Clement	Stealing above 40s. in a dwelling house - -	Calf and sheep skins,	1	10th Decr. 1829.	12 Dec. 1829, W. G. Blanchard,	do. 2d do.	No proceedings.	
13 Fr. Bilodeau,	do. do.	£7 4s. in money,	2	5th Feby. 1830.	2 March 1830, the court.	do. 2d do.	Conviction 6th do.	
14 Noël Bertrand,	Larceny,	Fools, belonging to 2 persons, 56s.	4	9th Nov. 1829.	11 Nov. 1829, D. Ross.	do. 2d do.	No proceedings.	Sessions of Jan'y. 1830.
15 Jos. Champagne dit Godère, - - - -	Sheep stealing,	8 sheep £3. - - - -	4	11th Sept. do.	12 Sept. do. S. Gale.	do. 2d do.	Confession, 2d do.	
16 The same, - - - -	Do. do.	6 sheep £2. - - - -	5	11th do. do.	12 do. do.	do. 2d do.	do, 2d do.	Again, why say the Jury two indictments in this case, when 14 sheep, altho' belonging to two different persons, were, at one time they were stolen, in the same enclosure, that of Besant, owner of 8 of these sheep, and who had hired the other 6 from Marie Robert.
17 André St. Germain dit La Garde, and James Gordon, - -	Stealing from the person - - - -	Money, £7 19s.	3	27th Oct. do.	27 Oct. do. do.	do. 3d do.	Conviction, 8th do.	
18 J. B. Fournelle and Richard McGinnis,	Larceny, - - - -	2 pincers, and 1 hammer, 1s 6d.	1	18th Sept. do.	18 Sept. do. do.	do. 3d do.	No proceedings.	Sessions of Oct. 1829, and Jan'y. 1830.
19 John Carrol,	Attempt to steal goods, the property of one Dyer, - - - -	- - - - -	1	7th Dec. 1829.	7 Dec. 1829, S. Gale.	do. 3d do.	No proceedings.	Sessions of Jan'y. 1830.
20 William Grace, and Owen Slaughter,	Affault with intent to murder - - - -	- - - - -	4	27th Nov. do.		do. 3d do.	do.	
21 John Thomas,	Burglary, - - - -	Home-spun stuff £15	2	18th Oct. do.		do. 3d do.	do.	
22 Pierre Millet and Pierre Ledoux,	Larceny, - - - -	Part of a still, £9 18	7	10th do. do.	11 Oct. do. do.	do. 3d do.	do.	
23 Etienne Lassare, -	Stealing from the person	A blanket, 5s. 5d. -	2	27th do. do.	28th Oct. do. do.	do. 3d do.	do.	
24 Chs Charpentier, -	Larceny, - - - -	A table cloth, 18s. -	2	3d Dec. do.	3d Dec. do. do.	do. 3d do.	do.	January Sessions, 1830.
25 Nancy Maxwell, -	Stealing above 5s. in a Store - - - -	A piece of Linen, 12s. -	8	18th Nov. do.		do. 3d do.	do.	

Names of the Accused.	Charges.	Value of Stolen Goods.	No. of witnesses.	Date of offence.	Date of commitment and by whose order.	Return of Grand Jury.	Proceedings in Court.	Quarter Sessions of the Peace where the charges might have been tried, and other remarks.
26 James Humphreys,	Grand Larceny, - -	Watch, chain, seal and key, 35s. - - -	4	14th Feby. 1830.	14th Feb. 1830. S. Gale.	1830 True bill, 3d March	No proceedings.	
27 Frs. Fournel,	Uttering counterfeit money, - - - - -	A French half-crown, -	3	2d. Dec. 1829.	2d. Dec. 1829, do.	do. 3d do.	do.	These three pieces of counterfeit money were passed to the same man, J. B. Suard, on the same day, and in the short space of one-half hour, and in the presence of the same witnesses. Wherefore (say the Grand Jury) were there three indictments instead of one; why also was not the delinquent brought before the Quarter Sessions of the Peace of Jan'y. 1830?
28 The same, - -	do. - - - - -	do do do. -	3	2d. do. do.	2d. do. do. do.	do. 3d do.	do.	
29 The same, - -	do. - - - - -	do. do. do. -	3	2d. do. do.	2d. do. do. do.	do. 3d do.	do.	
30 J. B. St. Aubin, -	Burglary, - - - -	Money, 5s. 10d. & 2 pen-knives, 2s. 6d. - -	1	28th Jan. 1830.	29 Jan. 1830, J. Yule.	do. 3d do.	Acquitted, 4 March	
31 Jared Bers, - -	Grand Larceny, - -	Fur cap & gloves, 32s. 6d	4	3d Feb. do.	7 Feb. do. S. Gale.	do. 3d do.	Conviction, 5 do.	
32 Augustin Miliejours,	Do do. - - - -	Hat & Ladies veil, 40s.	2	2d do. do.		do. 3d do.	No proceedings.	
33 Saava Stone, - -	Horse stealing, - -	- - - - -	8	9th Sept. 1829.	4 March do. the Court.	do 3d do.	do.	
34 Louis Bellotte, -	Highway Robbery, -	Money, 16s. 1d. & handkerchief, 1s. - - -	2	28th do. do.	2d. Oct. 1829, T. A. [Turner.	do 4th do.	do	
35 Daniel Codey, -	Larceny, - - - -	Socks & stockings, 7s. gloves, 1s. belonging to 2 different persons. -	3	16th Feb. 1830.	17 Feb. 1830, S. Gale.	do. 4th do.	do.	
36 J. Bte. Patry, -	Grand Larceny, - -	Money, £7 11 4 -	1	14th Oct. 1829.	4 March, do. the Court.	do. 4th do.	do.	
37 Frs. Felibere dit La Liberté, - - -	Horse stealing, - -	- - - - -	4	19th do. do.	30 Oct. 1829, S. Willard and A. Williams.	do. 6th do.	do.	
38 George White, -	Grand Larceny, - -	Goods, £6 16 6 -	2	14th Nov. do.	19 Dec. do. J Manning.	do. 9th do.	do.	
39 Thomas Pebbles, -	Larceny, - - - -	Money, 3s. 4d. handkerchief & napkin, 1s. 5d	1	26th Feby. 1830.	26 Feb. 1830, S. Gale.	do. 9th do.	do.	
40 Abraham Christophe, Peaudé & J. B. Benoit, - - - -	Forgery, - - - -	- - - - -	6	28th do. 1827.	19 Sept. 1829, do.	do. 9th do.	do.	
41 Pierre Paquet and André Labelle, - -	Horse stealing, - -	- - - - -	4	25th Nov. 1829.	9 Dec. 1829 do.	do. 10th do.	do.	
42 Pierre Millet and Pierre Ledoux, - -	Larceny, - - - -	Part of a Still £9 8s.	6	10th Oct. do.	11 Oct. do. do.	Bill thrown out 1st March	do.	
43 John Wadsworth,	Stealing more than £15 in a dwelling-house,	Money, £17 12s 10d.	4	8th Dec. do.	9 Dec. do. do	do. 1st do.	do.	
44 Eustache Renaud, -	Stealing more than 40s. in a dwelling-house,	Money, £3 5s 6d, clothes, 11s. 3d. - - -	5	13th Cct. do.	1 March 1830, the Court.	do. 2d do.	do.	
45 Nancy Maxwell, -	Stealing more than £15 in a dwelling-house,	Goods, £15 15s, -	8	18th Nov. do.		do. 2d do.	do.	
46 John Van Benthusen,	Rape, - - - - -	- - - - -	3	25th Augt. do.	19 Oct. 1829, S. Gale.	do 3d do.	do.	
47 Julie Donahoe, -	Larceny, - - - -	A Woman's gown 9s,	3	7th Feby. 1829.	2 March 1830, do.	do. 4th do.	do.	
48 William Brock, -	Assault and battery, -	- - - - -	1	6th Dec do.	6 Decr. 1829, William [Robertson,	do. 6th do.	do.	January Sessions, 1830.
49 Anthony Hamilton and Ed. Prentice, -	Assault upon a constable in the execution of his duty, - - - -	- - - - -		6th Feby. 1830.		do. 6th do.	do.	
50 Pierre Millet and Pierre Lachance, - -	Larceny, - - - -	Copper, 12s. - - -	3	26th Oct. 1829.	P. Millet, 2d. March 1830, the Court.	Ignoramus 10th do.	do.	

Quebec, February 1831.

JS. V.

[D.]

(Circular.)

Castle of *Saint Lewis*,
Quebec, 29th July, 1822.

Sir,

In pursuant of a Report of a Committee of the whole Executive Council, approved by His Excellency the Governor in Chief, I am directed by His Excellency to recommend to you, to bind over in future, and commit for trial at the next ensuing Quarter Sessions, all persons who shall be hereafter duly charged before you, with any, or either of the following offences:—

1st. Misdemeanors and offences, below the degree of Felony and cognizable in the Courts of Quarter Sessions.

2d. Petty Larcenies.

3d. Simple Larcenies, where the value stolen is under five pounds.

And also to bind over or commit for trial all persons duly charged with greater offences to the next ensuing Sessions of the Court of King's Bench, if you deem it right so to do.

I transmit you herewith for your further information, a copy of the opinion of the Law Officers of the Crown, shewing the several offences which come within the above descriptions.

I am further directed by His Excellency to recommend to you to put all persons who shall be examined before you as witnesses under recognizance for their appearance at the Court at which the culprit is to be tried, and for their attendance there from day to day until discharged, and to put under recognizance in like manner all other persons whom the culprit shall point out as witnesses essential to his defence.

And I am also to desire that you will explain to each witness the nature of his recognizance, and make him understand that he is to attend, in person, in Court, on the day mentioned in his recognizance, and to continue in Court from day to day, until he is authorized by the Court to leave it, on pain of forfeiting the penalty of his recognizance, and you are at the same time to inform such witness that no other notice by Subpœna or otherwise will be given to him to attend.

I am further to desire that you will transmit all depositions, examinations and recognizances taken before you, to the Clerk of the Peace, or to the Clerk of the Crown, (as the case may require,) as soon after the commitment of every culprit for trial or bail given, and his appearance may be practicable.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed,) A. W. COCHRAN.

Clerks of the Peace, *Quebec*.

Extract of a Letter from the Attorney General to
A. W. Cochran, Esquire, Civil Secretary, dated 11th
July, 1822:—

“In answer to your Letter of the 25th June, requiring my opinion as to the several offences coming within the description of:—

1st. Misdemeanors of offences below the degree of Felony and cognizable in the Courts of Quarter Sessions;

2d. Petty Larcenies;

3d. Simple Larcenies, where the value stolen is under the value of five pounds;

I have the honor to inform you, for the information of His Excellency the Governor in Chief, that the jurisdiction of the Court of General Quarter Sessions by 34th *Ed.* 3d, chap. 1, extends to the trying and determining all Felonies and Trespasses. This power does not extend to the trial of new offences, created by Act of Parliament, unless the Statute which makes or declares the offence, gives the cognizance of it to the Justices in Sessions, either directly or by necessary inference.

It is laid down that though Justices of the Peace by force of their Commission may have a general authority to hear and determine Felonies, yet as it has been usually thought not advisable for them to proceed on crimes from which the benefit of Clergy is taken away, and only in inferior offences, as Petty Larceny, Misdemeanors and cases within Clergy, to bind over to the Sessions, but this is merely a point of discretion and convenience, not because they have not jurisdiction of the crime.

Under the first head, the Sessions may try Assaults and Batteries, Cheats, or obtaining money under false pretences, combinations, conspiracies, embezzlements, engrossings, extortion, forestalling, gaming, larceny, lewdness, libels, nuisances and riots.

Under the second, to wit: Petty Larceny;—the Larceny must be under the value of twenty shillings, not from a dwelling-house, nor from the person, nor from a navigable river.

The third head, to wit: Simple Larceny are those Larcenies not from a dwelling-house nor from the person, nor upon a navigable river.

I beg leave to state that I am of opinion, that the assaults of an aggravated nature, such as assaults upon officers in discharge of duty, assaults with intent to murder, and riots, ought not to be prosecuted but before the Superior Tribunal, when the Court of King's Bench or Gaol Delivery will sit before a Quarter Sessions, the commitment ought to be made and the witnesses bound over to the former tribunal, otherwise a prisoner in gaol for a misdemeanor where he cannot find bail, may be kept longer from his trial than those under accusation for Felony.

Certified.

GREEN & PERRAULT,
Clerks of the Peace.

[E.]

Castle of *Saint Lewis*,
Quebec, 16th August, 1830.

Gentlemen,

The attention of His Excellency the Administrator of the Government, having been drawn to the circumstance of a number of cases in which persons charged with offences properly cognizable by the Court of Quarter Sessions having been prosecuted in the Superior Criminal Courts, I am commanded by His Excellency to refer you to the Circular Letter addressed by order of the late Governor in Chief, to the Clerks of the Peace on the 29th July, 1822, in which they were recommended to bind over in future, and commit for trial at the next ensuing Quarter Sessions, all persons charged with any or either of the following offences:—

1st. Misdemeanors, offences below the degree of Felony and cognizable in the Courts of Quarter Sessions.

2d. Petty Larcenies.

3d,

3d. Simple Larcenies, where the value stolen is under five pounds.

The recommendations contained in the Circular Letter in question on these as well as on the other points adverted to in that communication, His Excellency desires may be strictly acted upon, but he has at the same time directed me to observe to you, that as it is the duty of the Clerk of the Peace to prosecute offences in the Quarter Sessions, the object in view cannot be obtained without an assiduous discharge of this duty on the part of that Officer, and he feels it therefore necessary to convey to you his expectation that you will bring forward and prosecute all cases cognizable by that Court, wherever practicable, at the next ensuing Quarter Sessions, after the committal of the offender.

I have the honor to be,

Gentlemen,

Your most obedient humble Servant,

(Signed,) C. YORKE,

Secretary.

Certified.

GREEN & PERRAULT,

Clerks of the Peace.

[F.]

Observations on a Petition signed by *Louis Marcoux* & others, dated 13th February, 1829.

In the institution of the Prosecutions referred to in this Petition, I have done no more than my duty required. The charges of perjury on which these prosecutions are founded, were exhibited in legal form, and accompanied by evidence to satisfy me that the offence had been committed. The rejection of the bills by the first Grand Jury, constituted no bar to these prosecutions & it is well known to persons conversant with such proceedings, that a very small minority of a Grand Jury will occasionally cause the rejection of bills which the Public Justice of the country would require should be found. If a Grand Jury be composed of thirteen, a minority of two may occasion the rejection of a bill. How far the rejection of the bills by the first Grand Jury may have depended on such a circumstance, or on other circumstances, altogether distinct from the merits of the cases submitted to them, it is not competent to me to enquire or state. It was sufficient for me that I was in possession of evidence, not only sufficient for finding bills, but for the actual conviction of the persons charged with these offences, to make it my duty to take the sense of another Grand Jury on the same charges, which I accordingly did. There is a great hardihood in the Petitioners in presuming in a Petition to His Majesty's Representative, to calumniate the Grand Jury by which the bills were found, by calling them a *corps de Jurés choisis à dessein* &c. This gratuitous aspersion of Juries and of Courts, proceeding from the quarter from which this Petition comes, cannot be too severely reprehended. If countenanced by authority, there can be no administration of Justice, and Government itself must soon totter on its base. The rejection or the finding of the bills by Grand Juries must be presumed to have been done on sufficient grounds. If the bills be found, it is by a

trial before a Petit Jury that the sufficiency of the causes of accusation is to be determined. The Petitioners seek to evade this mode of shewing their innocence, by criminating the Grand Jury which has put them on their trial, and by putting a stop to the course of Justice. A strong presumption that this Grand Jury did its duty is derived from the fact that by the trial and conviction of *Claprood*, it has been proved that the bill which they found against him was true; and this is one of the bills which was rejected by the Grand Jury in September 1827, on the same evidence on which the subsequent bill was found, and his conviction took place. I am charged in this Petition with having acted partially in not prosecuting persons who had voted for me, for perjury, while I prosecuted those who voted against me. This charge is easily repelled; no private prosecutor ever appeared to desire that prosecutions should be carried on against the persons who voted for me. Some depositions charging persons who voted for me with perjury, reached me through the Police Office.—But the persons making these depositions, nor no other person ever requested me to carry on these prosecutions, nor gave me any explanations to satisfy me that the alleged perjuries had been committed. Some of these charges rested on the oath of one person only, whereas the oath of two persons is requisite to substantiate perjury; and they were all of them made by persons of a very low station in life, and without any responsibility to answer for the consequences of such charges. To confirm the caution with which it was my duty to act in relation to these charges; I found that one of them was made against a voter whose vote had been received without objection, who had taken no oath at all, and who nevertheless was accused by one of the persons making these charges, with having committed perjury by falsely swearing to a qualification. Under such circumstances, and charges thus exhibited, I could not without a gross breach of duty have laid indictments before a Grand Jury. If a private Prosecutor had attended me to explain and support these charges, I should have grounded prosecutions on them sufficiently substantiated, or if not I should have left it to the private prosecutor to institute and carry them on himself, with such professional assistance as he might choose to employ. This course I have adopted in other cases where charges of perjury have been made, and should not have departed from it on the occasion referred to.

With respect to any delay that has occurred in bringing these prosecutions to a conclusion, it has been unavoidable, and it has in no degree depended on me to prevent it. If required, a satisfactory statement to this effect will be furnished.

(Signed,) J. STUART.

Quebec, 26th February, 1829.

[G.]

Observations on a Petition of *Alphroy Nelson* and *Louis Marcoux*, dated 30th January 1829.

Joseph Claprood, of whom mention is made in this Petition, at the time the last Election was held at *William Henry*, was notoriously destitute of any qualification to entitle him to vote at that Election. He inhabited a miserable hovel hardly fit for the reception of cattle, much less for the habitation of human beings; and this hovel, consisting of one small apartment, in which there was a forge, and which was also used as his
O dwell-

dwelling, had been built by him on ground belonging to his uncle, one *Labrie*, with materials partly furnished by the latter, who, from motives of charity, permitted him to occupy this hovel, but on the express condition that he should be removed from it if his uncle should be dissatisfied with his conduct; in fact, his occupation of it was that of a tenant by sufferance, and no person of common decency in life, except *Claprood*, would on any terms have made it a place of abode. This description of *Claprood's* pretended property was given by the witnesses examined on his trial for perjury in September last, and it was most manifest by the evidence then given, that he had not the shadow of a pretext for falsely swearing to a qualification to vote. Any extenuation of his conduct could only be found in the alleged weakness of his understanding, and in the importunity he experienced to induce him to vote, which importunity, there is no reason to doubt, proceeded from the two Petitioners named in this Petition, viz: *Alphroy Nelson* and *Louis Marcoux*, but principally from the latter. These men have the hardihood to assert in their Petition that he was assured by one of His Majesty's Crown Officers, and two Magistrates, that he had a right to vote: under the description of Crown Officer, it is to be presumed that I am referred to. This assertion is of a piece with the other barefaced falsehoods proceeding from the same source. I never saw the man till he was brought up to vote at the close of the Election, never spoke to him in my life, and never expressed any opinion as to his right of voting. On his trial for perjury, one of the two Magistrates referred to, *Col. Jones*, swore, that on an offer of *Claprood's* vote, he had himself assured him that he had no right to vote.

With respect to the forfeiture of *Claprood's* recognizance, it was estreated in the ordinary course of Justice, together with other recognizances forfeited in the same Session. There is no reason to doubt that *Claprood* was put out of the way to enable him to escape the consequence of his perjury; he was induced to absent himself by going into the *States*, and in order to account for his not appearing on his recognizance, it was at the time studiously given out that he was drowned. When he came back afterwards, he did not return to *William Henry*, the place of his abode, but found his way into a Parish at a distance from that place, where he was arrested. One of the Petitioners, *Marcoux*, was the most active partizan of Mr. *Nelson* at the Election, and now stands indicted for subornation of perjury, in having falsely procured the charge of perjury to be made against one of the voters at the Election. He brought up to the hustings, for the purpose of voting, all, or nearly all, the persons against whom indictments for perjury have been found, for having falsely sworn to a qualification to enable them to vote for Mr. *Nelson*, and he was mainly instrumental in inducing them to take the oath.

(Signed) J. STUART.

Quebec, 26th Feby. 1829.

[H.]

Montreal, }
To wit: }

The Jurors for Our Lord King upon their oath present, that heretofore, to wit, on the twenty-fifth day of July, in the eighth year of the Reign of Our Sovereign Lord *George* the Fourth, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*

King, Defender of the Faith, at the Borough of *William Henry*, in the Parish of *St. Peter of Sorel*, in the County of *Richelieu*, in the District of *Montreal*, an Election of one Burgess of the said Borough to represent the said Borough in the Assembly of this Province, to be holden at the City of *Quebec*, on the twenty-fifth day of August then next ensuing, was duly had and held by virtue of a certain writ of Election, of Our said Sovereign Lord the King, before then duly issued and directed to the Returning Officer of the said Borough, under and in pursuance of a certain instrument of Our said Sovereign Lord the King, under the Great Seal of this Province, bearing date at the Castle of *St. Lewis*, in the City of *Quebec*, the fifth day of July, in the year of Our Lord, one thousand eight hundred and twenty-seven, for summoning and calling together an Assembly in and for this Province, at which said Election *James Stuart* and *Wolfréd Nelson* were Candidates to represent the said Borough as such Burgess as aforesaid in the said Assembly, and a Poll for taking the votes of the Electors of the said Borough for the purpose of electing such Burgess as aforesaid, was then and there duly granted and held, and while the said Election was had and held as aforesaid, afterwards, to wit, on the thirtieth day of July in the eighth year aforesaid, to which said last mentioned day the said Poll had been and was duly adjourned, *Antoine Aussant*, late of the Parish of *St. Peter of Sorel*, in the County aforesaid, in the District aforesaid, Yeoman, appeared as a freeholder at the said Election and Poll, whereupon the said *James Stuart*, being one of the said Candidates aforesaid, then and there demanded and required that the said *Antoine Aussant*, before he should be admitted to vote at the said Election, for a Burgess to represent the said Borough in the said Assembly, should take the oath number four, prescribed in and by a certain Act of the Parliament of the Province of *Lower-Canada*, made and passed in the fifth year of the Reign of Our said Sovereign Lord *George* the Fourth, intituled, "An Act to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Election of Members to serve in the Assembly of this Province, and to the duty of Returning Officers, and for other purposes," and contained in the Schedule to the said Act subjoined. And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said *Antoine Aussant* thereupon at the Election and Poll aforesaid, was then and there required by *Henry Crebassa*, Esquire, Returning Officer for the said Borough of *William Henry*, to take the said oath number four, before being admitted to vote as a Freeholder at the said Election, and to entitle him the said *Antoine Aussant*, to vote as such Freeholder, and the said *Antoine Aussant* was in due manner then and there duly sworn upon the Holy Gospel of God, and did then and there take the said oath number four, before him the said *Henry Crebassa* then and there being Returning Officer for the said Borough, he the said *Henry Crebassa* then and there having sufficient and competent power and authority to administer the said oath to the said *Antoine Aussant* in that behalf. And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said *Antoine Aussant*, being so sworn as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, and not regarding the Laws of this Province, nor the pains and penalties therein contained, but meaning and intending the due course of Election of Members to serve in the Assembly of this Province, and to cause and procure the said *Wolfréd Nelson* to be wrongfully elected and chosen at the said Election to represent the said Borough of *William Henry*, in the Assembly of this Province, did then and there, to

wit,

wit, on the said thirtieth day of July, in the eighth year aforesaid, at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the District aforesaid, upon and in the oath aforesaid, so administered to and taken by him as aforesaid, and before he was admitted to vote at the said Election, falsely, wickedly, maliciously, unlawfully and corruptly, depose and swear among other things, in substance as follows, that is to say: that he the said *Antoine Aussant*, was really and *bona fide* proprietor, and possessed for his own proper use, benefit and behoof, in virtue of a legal title, of a Lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry*, adjoining on one side to one *Vandal*, and on the other to ungranted land, which said Lot of ground and dwelling House so belonging to him the said *Antoine Aussant*, was then of the yearly value of Five Pounds sterling, that is to say, Five pounds eleven shillings and one penny farthing currency or more, over and above all rents and charges payable out of or in respect of the same, and that he the said *Antoine Aussant*, had been in the actual possession thereof, or of the receipt of the rents and profits thereof, for his own use, for six calendar months and upwards immediately preceding the said Election, and that the said Lot of ground and dwelling House had not been granted or made over to him the said *Antoine Aussant*, fraudulently, or on purpose to qualify him the said *Antoine Aussant* to vote at any Election, and that he the said *Antoine Aussant* had not already voted at the said Election. And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said *Antoine Aussant* so meaning and intending as aforesaid, after he the said *Antoine Aussant*, had been so sworn, and had taken the said oath as last aforesaid, did, at the said Election, to wit, on the same day and year last aforesaid, at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the District aforesaid, poll and give his vote for the said *Wolfred Nelson*;—Whereas in truth and in fact the said *Antoine Aussant* was not at the time of taking the said oath and swearing as aforesaid, really or *bona fide* proprietor and possessed for his own proper use, benefit or behoof, in virtue of a legal title of the said Lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry*, adjoining on one side to one *Vandal*, and on the other to ungranted land; And whereas in truth and in fact, the said *Antoine Aussant* was not at the time of taking the said oath and swearing as aforesaid, really or *bona fide* proprietor and possessed for his own proper use, benefit or behoof, in virtue of a legal title of any Lot of ground and dwelling House thereon whatever, within the limits of the said Borough of *William Henry*; And whereas in truth and in fact the said *Antoine Aussant* had not been in the actual possession of the said Lot of ground and dwelling House thereon, adjoining on one side to one *Vandal*, and on the other to ungranted land, or of the receipt of the rents and profits thereof, for his own use for six calendar months and upwards immediately preceding the said Election; And whereas in truth and in fact the said *Antoine Aussant* had not been in the actual possession of a Lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry* of the yearly value of five

pounds sterling, that is to say, five pounds eleven shillings and one penny farthing currency, or more, over and above all rents and charges payable out of and in respect of the same, or of the receipt of the rents and profits thereof, for his own use for six Calendar months and upwards immediately preceding the said Election; And whereas in truth and in fact the said *Antoine Aussant* had not been in the actual possession of any lot of ground and dwelling House thereon, whatever, within the limits of the said Borough of *William Henry* of any value whatever or of the receipt of the rents and profits thereof for his own use for six Calendar months and upwards, immediately preceding the said Election.

And so the Jurors aforesaid upon their oath aforesaid, do say, that the said *Antoine Aussant* on the said thirtieth day of July, in the eighth year aforesaid, at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the District aforesaid, at the Election had and held as aforesaid, before said *Henry Crebassa*, Returning Officer as aforesaid, then and there having competent power and authority to administer the aforesaid oath to the said *Antoine Aussant*, in that behalf, by his own act and consent, in manner and form aforesaid, upon his oath aforesaid, falsely, wickedly, wilfully, maliciously and corruptly did commit wilful and corrupt perjury to the great displeasure of Almighty God, to the evil example of all others in the like case offending, against the form of the Statute in such case made and provided, and against the peace of our said Lord the King, His Crown and Dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present, that on the said twenty fifth day of July in the eighth year aforesaid, at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the District aforesaid, an Election of one Burgess of the said Borough to represent the said Borough in the Assembly of this Province to be holden at the City of *Quebec*, on the twenty-fifth day of August then next ensuing, was duly had and held by virtue of a certain Writ of election of our said Sovereign Lord the King, before then duly issued and directed to the Returning Officer of the said Borough under and in pursuance of a certain instrument of our said Sovereign Lord the King under the great Seal of this Province, bearing date at the Castle of *Saint Lewis* in the City of *Quebec*, the 5th day of July in the year of our Lord one thousand eight hundred and twenty seven, and in the eighth year aforesaid, for summoning and calling together an Assembly in and for this Province, at which said Election, *James Stuart* and *Wolfred Nelson* were Candidates to represent the said Borough, for the purpose of electing such Burgess as aforesaid in the said Assembly & a Poll for taking the votes of the Electors of the said Borough for the purpose of electing such Burgess as aforesaid, was then and there duly granted and held; And while the said Election was had and held as aforesaid, afterwards, to wit, on the thirtieth day of July in the eighth year aforesaid, to which said last mentioned day the said Poll had been and was duly adjourned, the said *Antoine Aussant* appeared as a Freeholder at the said Election and Poll, to wit, at the Borough of *William Henry* aforesaid, and claimed a right to vote as such Freeholder, at the said Election and Poll, whereupon the said *James Stuart*, being one of the said Candidates as aforesaid, then and there demanded and required, that the said *Antoine Aussant* before he should be admitted to vote at the said Election for a Burgess to represent the said Borough in the said Assembly, should take the oath number four, prescribed in and by a certain Act of the Parliament of this Province made and passed in the fifth year of the Reign of our said Sovereign Lord *George* the Fourth, intituled,

“ An

“ An Act to repeal certain Acts therein mentioned, and “ to consolidate the laws relating to the election of “ Members to serve in the Assembly of this Province, “ and to the duty of Returning Officers, and for other “ purposes,” and contained in the Schedule to the said Act subjoined: And the Jurors aforesaid, upon their oath aforesaid, do further present that the said *Antoine Aussant* thereupon, at the Election and Poll aforesaid, was then and there required by *Henry Crebassa*, Esquire, Returning Officer for the said Borough of *William Henry*, to take the said oath number four, before being admitted to vote as a Freeholder at the said Election, and to entitle him the said *Antoine Aussant* to vote as such Freeholder, and the said *Antoine Aussant* was in due manner then and there sworn upon the Holy Gospel of God, and did then and there take the said oath number four, before him the said *Henry Crebassa* then and there being Returning Officer for the said Borough, he the said *Henry Crebassa* then and there having sufficient and competent power and authority to administer the said last mentioned oath to the said *Antoine Aussant* in that behalf: And the Jurors aforesaid upon their oath aforesaid, do further present that the said *Antoine Aussant* being so sworn as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, and not regarding the laws of this Province, nor the pains and penalties therein contained, but meaning and intending to pervert the due course of Election of Members serve in the Assembly of this Province, and to cause and procure the said *Wolfred Nelson*, one of the Candidates aforesaid, to be wrongfully elected and chosen at the said last mentioned Election to represent the said Borough of *William Henry* in the said Assembly of this Province, did then and there, to wit, on the said thirtieth day of July, in the eighth year aforesaid at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the District aforesaid, upon and in the oath aforesaid, so administered to and taken by him as aforesaid, and before he was admitted to vote at the said Election, falsely, wickedly, maliciously, unlawfully, and corruptly depose and swear, among other things, in substance as follows, that is to say, that he the said *Antoine Aussant* was really and *bonâ fide* proprietor and possessed for his own proper use, benefit and behoof, in virtue of a legal title, of a lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry*, adjoining on one side to one *Vandal*, and on the other to ungranted land, which said last mentioned lot of ground and dwelling House, so belonging to him the said *Antoine Aussant*, was then of the yearly value of five pounds sterling, that is to say, five pounds eleven shillings and one penny farthing currency or more, over and above all rents and charges payable out of or in respect of the same, and that the said *Antoine Aussant* had been in the actual possession thereof, or of the receipt of the rents and profits thereof for his own use, for six Calendar months and upwards, immediately preceding the said Election, or that the same came to him the said *Antoine Aussant*, by descent or inheritance, marriage, contract of marriage, or by devise, and that the said lot of ground and dwelling House, had not been granted or made over to him the said *Antoine Aussant*, fraudulently, or on purpose to qualify him the said *Antoine Aussant* to vote at any Election, and that he the said *Antoine Aussant*, had not already voted at the said Election: And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said *Antoine Aussant* so meaning and intending as aforesaid, after he the said *Antoine Aussant* had been so sworn and had taken the said oath as last aforesaid, did at the said Election, to wit, on the same day and year last aforesaid, at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the Dis-

trict aforesaid, poll and give his vote for the said *Wolfred Nelson*; Whereas in truth and in fact the said *Antoine Aussant*, was not at the time of taking the said oath and swearing as aforesaid really or *bonâ fide* proprietor, and possessed for his own proper use, benefit, or behoof in virtue of a legal title, of the said last mentioned lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry*, adjoining on one side to one *Vandal*, and on the other to ungranted land; And whereas in truth and in fact the said *Antoine Aussant* was not, at the time of taking the said oath and swearing as aforesaid really or *bonâ fide* proprietor, and possessed for his own proper use, benefit or behoof, in virtue of a legal title, of a lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry*, of the yearly value of five pounds sterling, that is to say, five pounds eleven shillings and one penny farthing currency, or more, over and above all rents and charges payable out of or in respect of the same; And whereas in truth and in fact the said *Antoine Aussant*, was not at the time of taking the said last mentioned oath and swearing as aforesaid, really or *bonâ fide* proprietor and possessed for his own use, benefit or behoof, in virtue of a legal title, of any lot of ground and dwelling House thereon whatever, within the limits of the said Borough of *William Henry*; And whereas in truth and in fact the said *Antoine Aussant* had not been in the actual possession of the said lot of ground and dwelling House thereon adjoining on one side to one *Vandal*, and on the other to ungranted land, or of the receipt of the rents and profits thereof, for his own use for six Calendar months and upwards, immediately preceding the said Election, nor had the last mentioned lot of ground and dwelling House thereon come to him the said *Antoine Aussant* by descent or inheritance, marriage, contract of marriage, or by devise; And whereas in truth and in fact the said *Antoine Aussant* had not been in the actual possession of a lot of ground and dwelling House thereon, within the limits of the said Borough of *William Henry*, of the yearly value of five pounds sterling, that is to say, five pounds eleven shillings and one penny farthing currency, or more, over and above all rents and charges payable out of or in respect of the same, or of the receipts of the rents and profits thereof for his own use, for six Calendar months and upwards, immediately preceding the said Election, nor had any such last mentioned lot of ground and dwelling House thereon come to him the said *Antoine Aussant*, by descent or inheritance, marriage, contract of marriage, or by devise: And whereas in truth and in fact the said *Antoine Aussant* had not been in the actual possession of any lot of ground and dwelling House thereon whatever, within the limits of the said Borough of *William Henry*, or of the receipt of the rents and profits thereof for his own use for six Calendar months and upwards immediately preceding the Election, nor had such last mentioned lot of ground and dwelling House thereon come to him the said *Antoine Aussant* by descent or inheritance, marriage, contract of marriage or by devise; And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said *Antoine Aussant*, on the said thirtieth day of July in the eighth year aforesaid, at the Borough of *William Henry* aforesaid, in the Parish aforesaid, in the County aforesaid, in the District aforesaid, at the Election had and held as aforesaid, before the said *Henry Crebassa*, Returning Officer as aforesaid, then and there having competent power and authority to administer the said last mentioned oath, to the said *Antoine Aussant*, in that behalf, by his own act and consent in manner and form aforesaid, upon his said last mentioned oath, falsely, wickedly, wilfully, maliciously and corruptly, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example

example of all others in the like case offending, against the form of the Statute in such case made and provided, and against the Peace of our said Lord the King, His Crown and Dignity.

(Signed,) J. STUART,
Attorney General.

(Signed) JNO. DELISLE, Ck. O. & Tr. & Gl. Dy.
A true Copy,
JNO. DELISLE, Ck. Cr.

[I.]

COURT OF KING'S BENCH MONTREAL.

March Term, 1830.

No. 1.—The King agst. Louis Martel.—Indictment for obtaining Goods under false pretences. Filed 1st March, 1830. Plea, Guilty.

Witnesses :—Paschal Dubuc, Pierre Auger.—A true Bill.

(Signed,) THOMAS A. TURNER,
Foreman.

No. 2.—The King agst. Jean Bte. Blondin.—Indictment for Larceny.—Filed 1st March, 1830. Arraigned, plea not guilty; trial for 2d inst.—Verdict, Guilty.

Witnesses :—Pierre Cajetain, Leon Barre.—A true Bill.

(Signed,) THOMAS A. TURNER,
Foreman.

No. 8.—The King vs. Michel Blais otherwise called Michel Perry, and Jean Marie Turgeon otherwise called Jean M. Desjardins.—Indictment for stealing a Mare.—Filed 2d March 1830.—Plea, not guilty.—5th, tried.—Verdict, Michel Blais, guilty, and J. M. Turgeon, not guilty.

Witnesses :—Ignace Jasson, Jarvis M'Cumber, Joseph Thompson.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 9.—The King agst. Michel Blais otherwise called Michel Perry, and Jean Marie Turgeon, otherwise called Jean M. Desjardins.—Indictment for stealing a Gelding.—Filed 2d March, 1830.—Plea, not guilty. 1st. Sept not guilty.

Witnesses :—Ignace Giasson, Thomas Sacowahetso, Joseph Thompson.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 10.—The King agst. John Burbage.—Indictment for an attempt to steal certain goods and chattels

of our Lord the King.—Filed 2nd March, 1831.—Plea not guilty.—Guilty.

Witnesses :—E. L. Hayden, S. Thompson, T. Goslin, Jos. Dusany.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 11.—The King agst. Pierre Guertin and Timothée Guertin.—Indictment for Larceny.—Filed 2nd March, 1830.—Plea, not guilty.—5th March, Pierre Guertin tried—Verdict, not guilty.

Witnesses :—Randal M'Donald, Guy Richards.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 14.—The King vs. Noël Bertrand.—Indictment for Larceny.—Filed 2nd March—Plea, not guilty, Witnesses :—André Morin, Jean Bte. Piquet, Honoré Dubé, Pierre Aimont.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 27.—The King agst. François Fournel.—Indictment for uttering counterfeit money.—Filed 3d March.—Plea, not guilty, 4th March—trial, 6th March, 31st. August, verdict, guilty.

Witnesses :—Jean Bte. Sicard, — Leprohon, Ambroise Lettoré.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 28.—The King vs. François Fournel.—Indictment for uttering counterfeit money.—Filed 3d March—Plea, not guilty, 4th March—Trial, 6th March.

Witnesses :—Jean Baptiste Sicard, — Leprohon, Ambroise Lettoré.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 29.—The King vs. François Fournel.—Indictment for uttering counterfeit money.—Filed 3d March—Plea, not guilty, 4th March—Trial, 6th March.

Witnesses :—Jean Bte. Sicard, — Leprohon, Ambroise Lettoré.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 35.—The King agst. David Codey.—Indictment for Larceny.—Filed 4th March—Plea, not guilty.—Trial 5th March.—28th August, Verdict, guilty.

Witnesses :—Joseph Jerome dit Latour, Asa Goodenough, Catherine Handerin.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 16.—The King vs. Joseph Champagne otherwise called Joseph Godère.—Indictment for Sheep Stealing.—Filed 2d March, 1830.—Plea, guilty.

Witnesses :—Aiber Bigonnesse dit Beaucair, James Jefferies

Jefferies, Marie Robert, Hubert Desmarais.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 15.—The King vs. Joseph Champagne otherwise called Joseph Godère.—Indictment for Sheep Stealing.—Filed 2nd March, 1830.—Plea, guilty.

Witnesses:—Albert Begonnesse dit Beaucair, James Jefferies, Hubert Desmarais.—A true Bill.

(Signed,) THOS. A. TURNER,
Foreman.

No. 7.—The King agst. William Brock—Indictment for an Assault and Battery.—Filed 6th March. Witness:—Patrick McIntyre.—No Bill.

(Signed,) THOMAS. A. TURNER,
Foreman.

No. 9.—The King agst. Pierre Millet and Pierre Lachance.—Indictment for Larceny.—10th March. Witnesses:—William Molson, Antoine Guyot, Peter Renels. Ignoramus.

(Signed,) THOS. A. TURNER,
Foreman.

[K.]

No. 5600.

15th March, 1822.

DONATION (*entrevifs*) by François Gazeille dit St. Germain and Charlotte Meneclier his wife, to François Gazeille dit St. Germain, Junr.

(Third Copy.)

TRANSLATION.

Before the undersigned Notaries Public for the Province of Lower-Canada, residing in the District of Montreal:

Came and appeared François Gazeille dit St. Germain, proprietor and cultivator (*notable cultivateur*) residing in the Seigniorship of Sorel, and Dame Charlotte Meneclier, his wife, widow by her first marriage with the late Matthew Buckley, and authorized by her second husband for the purposes of these presents.

Who, by these presents have voluntarily declared and acknowledged, that they have made a donation, pure, simple and irrevocable, in life time, (*entre vifs*), from hence forward and for ever, and have promised and do hereby promise, jointly and severally, to give, guaranteed to be free from all impediments, gifts, dowers, debts, mortgages, or other hindrances generally whatsoever, unto François Gazeille dit St. Germain, their son, now of age, dealer, residing in the Parish of St. Denis, now present, and accepting Donatee for himself, his heirs and assigns, in future, to wit: the following household furniture, animals

and other moveables, namely, two feather-beds, with their bedding, a single iron stove of three feet, with its pipes, another single stove and pipes, a large looking-glass, a small looking-glass, two chairs, a chest of drawers painted yellow, half-a-dozen of silver table spoons, a pair of silver sugar-tongs, a large two pail kettle, another ditto of one and a half and cover, a cast iron tea-kettle, a pair of andirons, a fire shovel and tongs, three brass candlesticks, two iron hooped pails, two trains and their shafts, two carts and their wheels, a grey horse, a red cow, a complete set of harness, and generally all the other moveables that may be found to belong to them at the time of their death.

The immovable property given consists in an *emplacement* (lot) situate in the Borough of William Henry, in the Parish and Seigniorship of Sorel, fronting Queen Street, containing sixty feet more or less, in front, by seventy-five feet, more or less, in depth, bounded in front by the said street, with a house and bakery built thereon, adjoining above to the property of John Shutters or his heirs, and below to that of Joseph Schultz. Also another lot (*emplacement*) No. 111, situated in the Borough of William Henry and Seigniorship of Sorel, containing sixty-six feet in front, by one hundred and thirty-two feet in depth, reaching in front to South Prince's street, and in the depth to No. 146, on one side above in Prevost street, and on the other to No. 110, belonging to the widow and heirs Cournoyer, with a house, stable, shed and oven built thereon. Also another lot (*emplacement*) situated in the said Borough of William Henry and Seigniorship of Sorel, being No. 146, containing sixty-six feet in front, by one hundred and thirty-two feet in depth, extending in front to Prevost street, and in depth on one side, to No. 145, on one side Jean Baptiste Paul Hus, on the other side to No. 110 and 111, without any building erected thereon. Also, and finally, a land of two acres in front, being part of No. 43, situated in the Seigniorship of Sorel, by twenty acres more or less, in depth, bounded in front to the north by the Rivulet Rimbault, and in depth, on one side above by the acres belonging to the heirs Buckley, and on the other to one Dechaine, without any building erected thereon; such as the said moveables, animals, *emplacements*, lands and buildings exist and appear, which the said donatee declares that he well knows and is satisfied therewith; the whole belonging to the donators, by due right, as possessing concessionaries by deed of Mr. Jean Marie Mondelét, Notary, of the year and date therein specified; copy of such titles have been by the said donators put into the hands of the said donatee their son, which he hereby acknowledges. The present donation is made under the condition of performing and paying the several Seigniorial dues and services due by the holders of the said lands, under their concession deeds, free and exempt from all arrears of rent, and *lods et ventes*, bygone, until Martinmas next. Moreover, the present donation is made upon condition that the said donatee François Gazeille dit St. Germain, shall, and which he, by these presents promises and obliges himself to perform, in acquittance of the donators, pay at their death, to wit; to Marguerite Buckley, wife of Louis Roy, one hundred and forty-four livres of twenty sols; to Adelaïde Buckley, wife of Levi Allen, the sum of one hundred and forty-four livres of twenty sols; to Pierre Gazeille dit St. Germain, the sum of one hundred and forty-four livres of twenty sols; to Jean Baptiste Gazeille dit St. Germain, eighteen livres of twenty sols, and finally to Joseph Gazeille dit St. Germain, eighteen livres of twenty sols; which sums being paid to the before named parties, shall be in satisfaction of all and every claim they may have against

against the estate and effects of the said Donators. Moreover, the said present donation is made to the said Donatee, upon condition that he shall, as he hereby promises and obliges himself to do, lodge, board, keep in firing and light, and otherwise maintain the said Donators, his Father and Mother, along with himself and the same as himself; and shall and will perform and shew the duties, care and respect which a dutiful child owes to his father and mother, and to provide them with those comforts of which they may stand in need, both in health and in sickness, as also to procure for them when necessary, medical aid, and that of the Priest; and further, also, upon their death, to cause them to be interred in a decent manner in the cemetery appropriated for the faithful, and masses to be said for each on the days of their obsequies, and on the first anniversaries thereof. And in case of incompatibility of disposition between the Donators and the Donatee, the said Donatee is held to provide a room properly heated and in good order, for the accommodation of the Donators, either in his own house, or in those of the children of the Donators, namely, *Jean Baptiste, Joseph or Pierre Gazaille dit St. Germain*, as also to deliver to them, from the moment of their separation, an alimentary allowance, which shall consist of the following articles, viz: twelve Spanish dollars to defray small expenses, every year, together with four bushels of wheat, good and merchantable; two hundred pounds of good pork; one hundred pounds of good beef; half a bushel of salt, half a pound of pepper, eight pounds of green tea, one hundred pounds of maple sugar; twelve pounds of twist tobacco; six pounds of candles; twelve pounds of soap; ten gallons rum; two gallons red wine; and also to provide the said Donators a complete suit of clothes of cloth from the store, from head to foot, and equally to provide the said Donatrix, his mother, with a complete suit of clothing from head to foot according to their situation in life. And on the death of either of the Donators, the alimentary allowance and annual provision shall be reduced to one half, except as regards firing and light. And for assurance and guarantee that the engagements, clauses and conditions contained in the present donation, shall be fulfilled, the said Donatee by these presents doth affect, bind and hypothecate in favor of the said Donators, and until their decease, his property, moveable and immoveable, and especially and by preference that which has by these presents been given unto him, as lease holders, (*Bailleurs de fonds*). And for the accomplishment of all that is before written, the said Donators have transferred to the said Donatee, his heirs, &c. all their rights of property which they have, or could claim to have, upon any thing which is hereby given; desiring that he may peaceably enjoy the same, and dispose thereof as to him may seem good, in virtue of these presents. And in order to give effect to these presents, wherever it may be requisite, the said parties have constituted as their attorneys the bearers hereof, to whom they give power to do so, and to demand a record thereof. For thus, &c. promising, &c. obliging, &c. renouncing, &c. Done and passed at *William Henry*, at the residence of the Donators, in the year one thousand eight hundred and twenty-two, on the fifteenth day of March, in the afternoon. And the said Donator having declared that he could not write, being thereunto required, made his usual mark, and his wife, together with the said Donatee, and us the Notaries, (these presents being read,) have signed these presents. Thus signed to the minutes thereof.

FRANÇOIS GAZAILLE DIT ST. GERMAIN ✕
 CHARLOTTE MENECLIER,
 FRANÇOIS GAZAILLE DIT ST. GERMAIN, Jurr.
 GE. ROLLAND,

And by the undersigned, who retains the original thereof in his Office.

1822.

H. CREBASSA, N. P.

[L.]

No. 6157.

21st August 1821.

DONATION (*entre vifs*) by *Antoine Aussant & Angélique Ricard* to *André Aussant*.

2d Copy.—TRANSLATION.

Before the undersigned Notaries Public for the Province of *Lower-Canada*, residing one in the Borough of *William Henry*, and the other in the Parish of *Berthier*, District of *Montreal*.

Came and appeared *Antoine Aussant*, proprietor and cultivator, (*notable cultivateur*) residing in the seigniority of *Sorel*, and *Angélique Ricard*, his wife, duly authorized by him for the purposes of these presents.

Who, desiring to secure a maintenance to themselves for the rest of their lives, and to bestow at the same time a mark of affection upon *André Aussant* their son, being of age, and residing with them, have voluntarily declared and acknowledged, by these presents, that they have given, granted, conveyed and devised from henceforward and for ever, by donation in lifetime (*entre vifs*) pure, simple and irrevocable, without expectation of being enabled or desirous of revoking the same, excepting of right, and in default of the fulfilment of the obligations, clauses and conditions hereinafter specified; and for the better security of the donation, have promised, and hereby promise, jointly and severally, one for the other, and one for both, to guarantee against all impediments, gifts, dowers, debts, mortgages, ejections, entails, (*substitutions*) and all other hindrances generally whatsoever, unto the said *André Aussant* their son, now present, and accepting donatee for himself, his heirs and assigns, to wit:—All the household furniture, clothes, linen, cattle and animals, and generally all other moveables and goods at present belonging to the donators, and which may be found to belong to them, on the days and hours of their decease. The cattle and animals thus given, consist of four milch cows, one bull of two years old, one yearling bullock, seventeen, sheep old and young, four hogs of eighteen months, and an old draught horse. The immoveables given consist of a piece of land situated and being in the seigniority of *Sorel*, on the south side of the river *Richelieu*, No. 38, containing four acres in front by twenty acres in depth, bounded in front by the River *Richelieu*, in the rear by lands conceded to *Jacques Vandalle*, on the south west side by unconceded land, and on the north east by *Jacques Vandalle's*, with a house, barns, stable, and shed erected thereon, the whole in good condition; also a land of one acre and one perch of eighteen feet in front, by seventeen acres in depth, being part of No. 4 on the south side of the second River du *Fort au Beurre*, adjoining in front the road, on one side the land of *Abraham Sez*, on the other *Antoine Aussant's*, without any building thereon, as the same now exists, which the said donatee declares he is well acquainted with, as having cultivated the same for the donators; without any reserve by the donators than the free use of their household furniture, and of a horse, harness, and vehicle, according to the season, to go whither they like, the periods of agricultural labour excepted. The said lands hereby given being held in the rent roll (*censive*) of the seigniority of *Sorel*, and charged with such quit rents (*cens et rentes*) towards the domain thereof, as are stated and detailed in the title deeds, free from all arrears of rent and seigniorial rights for all past time, and until Martinmas in the present year; all that is above given and appurtenances, to be enjoyed, used and disposed of by the said donatee, his heirs and assigns, under the obligations, clauses and conditions hereinafter mentioned, in full property, in virtue of

of these presents, the enjoyment thereof to begin from this day. The said present donation being made on condition of the payment and observance of the seigniorial rights for the future, and besides on condition that the said donee, his heirs and assigns, as he, by these presents, promises and obliges himself to do, shall keep, lodge, and board his sisters *Geneviève, Rosalie, Veronique* and *Françoise Aussant*, and *Pierre Aussant*, his brother until they settle themselves in life, they working for the interest and profit of the said donee their brother, and assisting him in his labour; and upon their settling in life, or separating from the said donee, he shall be bound to give to each of his sisters, a feather bed, a mattress, a blanket and a sheet, and one cow; and to give to his brother *Pierre Aussant* one cow; which shall be in compensation of their rights of inheritance of the estate of the donators; the said donators declaring that *Antoine* and *Marianne Aussant* have received their shares in their inheritance. And the said donation is furthermore made upon condition that the said donee shall lodge, board and clothe the said donators, his father and his mother, with him, and the same as himself, provided that the victuals shall be good and wholesome, and to provide them with the necessary comforts in sickness, and with the assistance of the Priest, and of a medical man whenever they desire it. And it is expressly agreed upon between the donators and the donee that in case of incompatibility of disposition between them, in such case the donators reserve to themselves the right of nominating an arbitrator, (*expert*) and one to be nominated by the donee, who shall draw up an alimentary deed of what shall be deemed necessary for the board and maintenance of the donators, until their decease. And that the said donators shall have the right of consuming and enjoying their board and maintenance wheresoever they like until their decease, and that upon pain of the nullity of these presents. And upon their decease, the said donee shall be bound to cause them to be interred ac-

cording to his means. And it is also expressly agreed by the said donee that he renounces the power of selling, exchanging, or alienating the property so given, except by the consent of the donators: And for the security of the performance of the obligations, clauses and conditions herein mentioned, the said property so given shall remain affected, bound and mortgaged in favour of the donators, as leaseholders (*bailleurs de fonds*;) together with all the other property of the donee, without any other mortgage derogating from that which he has, from this day forward, constituted to secure the fulfilment of all that is above written. And in consideration of the terms and obligations contained in these presents, the said donators do, by these presents, transfer to the said donee, his heirs and assigns, all the rights of property, claims, titles, and causes of action, which they have or can have to, upon, or against that which is heretofore given, until the day of their death; divesting themselves thereof in favour of the said donee, his heirs and assigns. And in order to give effect to these presents, the said parties have constituted the bearer thereof to be their Attorney, to whom they give power to do so, and to require a record thereof. For thus, &c. promising, &c. obliging, &c. renouncing, &c. Done and passed at the Borough of *William Henry*, in the office of *Henry Crebassa*, one of the said Notaries, in the year one thousand eight hundred and twenty-four, on the twentieth day of August in the forenoon. And the said donators and donee having declared they could not write, being thereunto required, have made their usual marks, and the Notaries (these presents being read) have signed the minute thereof, thus:—*Antoine Aussant* x, *Angelique Ricard* x, *André Aussant* x, *George Rolland*, N. P. and the undersigned Notary.

H. CREBASSA, N. P.

THIRD REPORT
OF THE
Committee of Grievances.

HOUSE OF ASSEMBLY,
COMMITTEE ROOM,

TUESDAY, 22d MARCH, 1831.

PRESENT:—Messrs. *Quesnel, Lafontaine, Cuvillier, Duval, and Labrie.*

JACQUES LABRIE, Esquire, in the Chair.

BEING required to examine into the divers allegations contained in the Petition (see Appendix A.) which has occasioned the present reference, Your Committee, have, in the first place, endeavoured to ascertain the rights which the Petitioner is entitled to claim, as Lessee under the Crown, of that part of the country known by the name of "The King's Posts." They have found those rights clearly defined in the original Lease, granted in 1822, in favour of the late *John Goudie*, (see Appendix B.) who in 1823, transferred two-thirds of his rights therein, to Mr. *James M'Douall*. In the month of October of the following year, the latter transferred his rights and claims therein, to *William Lampson*, Esquire; and on the 21st of November, in the year 1827, the remainder was transferred to him. Those Deeds, and the Topographical Plans and Maps relative thereto, which Your Committee have examined, as well as the opinions of the Crown Officers, to whom the question was referred in 1823, (see Appendix C. Nos. 1 to 30,) shew that the "King's Posts" comprehend a large extent of territory, reaching from the *Black River*, which falls into the River *St. Lawrence*, on the North side, unto *Cape Cormorant*, which appears to include no less than ninety five leagues in front, and, in depth, the whole tract which may be found to exist between the *St. Lawrence*, and the height of land which separates *Lower Canada* from the *Hudson's Bay Territory*. All this country is entirely wild, and presents no other settlements than those which the different Lessees of the King's Posts have made, for the prosecution and the security of their trade with the Indians.

In order not to injure the trade carried on by the Lessees, Government have never abstracted from the said territory any part of it, unless it be the Seigniory of *Mille Vaches*, which His Most Christian Majesty granted in 1653, for the purposes of cultivation, and to establish it as a Seigniory; but not for the purpose of interfering in any way with the Indian Trade; at least such must be the conclusion drawn from the Concession Deed of that Seigniory, (see Appendix D.) which does not contain a word about any trade with the Indians, whilst the Lease of the Posts gives and secures to the Lessee, the right of trading with them to its utmost extent. This Grant has three leagues in front by four in depth; and as no navigable river passes through it, by which to penetrate into the interior of the country, it is clear that the grant was not made for the purpose of the trade in peltries, which are not to be met

with, but at a great distance from the main river, but for the sole purpose of forming there a permanent establishment by cultivating the soil.

Notwithstanding these circumstances, it has, nevertheless, been proved before Your Committee, that the *Hudson's Bay Company*, who have hired, and have for a long time occupied the said Seigniory, far from forming any agricultural settlements there, have, on the contrary, established there a new place of trade, in contradiction to the conditions of the Concession Deed of the said Seigniory, and to the great injury of the Government Lessee, whose profits have thereby been greatly reduced, and who, if these encroachments are allowed to be long continued, may, ere long, be rendered unable to pay the rent stipulated in his Lease. Fully convinced of the injury which this trading establishment caused to his interests, the Lessee early complained thereof to the Governor in Chief, *Lord Dalhousie*, who referred the matter to the consideration of the Crown Officers. These gave it as their opinion that *Portneuf* constituted a part of the Domain of His Majesty, leased out under the appellation of the "King's Posts." Previously to the expression of this opinion, the Governor in Chief, *Lord Dalhousie*, had issued a Proclamation, (see Appendix E.) for the purpose of placing the Lessee in full possession of all his vested rights, and of preventing every one whomsoever from disturbing him in the possession and enjoyment thereof.

It has not appeared to Your Committee that the aforesaid Proclamation has had the effect desired of putting a stop to the encroachments of the *Hudson's Bay Company*; and Mr. *William Lampson*, who has succeeded to the rights of the original Lessee, has been exposed to the same evils; his Clerks, and his Servants have been assaulted, have been driven from their trading posts on the River *Portneuf*, and after witnessing the destruction of the huts they dwelt in, have at last been themselves arrested, and carried prisoners to *Quebec*. After having thus got rid of the persons in charge of the concerns, and the Servants of Mr. *Lampson*, the said Partners and Servants of the *Hudson's Bay Company*, did treat and intoxicate the Indians who had placed their furs *en cache*, and having thus debauched them, made them shew the place where the furs were deposited, and took them away in the month of June last.

Without entering into the consideration of the legality or the validity of the said Lease of the King's Posts,
Your

Your Committee cannot help observing that, under such circumstances, it became the duty of the Government of this Province, to direct the Crown Officers to support the rights of its Lessee; and this was what the Lessee expected, when, to his great surprise and mortification, he learned, that the chief of those officers, namely, *James Stuart*, Esquire, the Attorney General, had been retained and acted as Counsel and Attorney in behalf of his adversaries—the Agents and Servants of the *Hudson's Bay Company* (see Appendix C. from No. 3, to 30). Deceived in his expectation of being assisted by the said Crown Officer, the Lessee was compelled to apply to another Attorney to institute an action *en révendication* against the parties who had committed those illegal and forcible aggressions, by which he had been deprived of peltries to the value of nearly two thousand pounds currency. It was the same in another action, *en réintégration*, which the said Attorney General, for and in name of the Lessees of the Seigniorship of *Mille Vaches* instituted against him, (the said *William Lampson*), to compel him to remove from the banks of the River *Portneuf*, as forming a part of the land conceded to them. On this occasion, the support given by the said *James Stuart*, Esquire, Attorney General, as aforesaid, and which he does still give to the said Company, has appeared to Your Committee to be a direct and positive violation of his duty towards the Crown, the interests whereof he has culpably abandoned, either from an inordinate love of lucre, or from (what would be as bad,) a strong desire to render service to his clients, even to the prejudice of the Crown, which is eminently interested in the success of its Lessee, in his disputes with his adversaries, (the Partners and Servants of the *Hudson's Bay Company*).

The River *Portneuf*, which is the scene of the encroachments of which the said *William Lampson* complains, appears to constitute a rich and important part of the King's Posts, not only as regards the Fur Trade, but also as regards the procurement of timber, and the cultivation of the soil;—the soil and the forest on the banks of the said river, and in its neighbourhood, being of an excellent description. It would therefore be a sacrifice of the interests of this Province and of the Government, to suffer those lands to be encroached on; and, in the humble opinion of Your Committee, the Attorney General could not lend his assistance and the influence he possesses over the Courts of Justice, to the spoliation of the Domains of His Majesty, without failing in his duty. Yet as it is seldom that one fault does not produce others, and often greater, this usual consequence has happened in this case with respect to the Attorney General. Having once involved himself in the concerns of the adversaries of the Crown, he did not hesitate in persisting to defend his clients by all the means in his power; and, in suits wherein a partner, and two of the Agents, of the *Hudson's Bay Company* were sentenced to fines and to twenty-four hours imprisonment, for having repeatedly sold strong Liquors to the Indians, and made them drunk, the said Attorney General constituted himself as their Advocate, and exerted himself to procure them to be exempted from the payment of the fines imposed, although he well knew that the moiety of those fines would fall to the profit of Government, and be paid into its chest.

The witnesses examined have proved that on this occasion, the said Attorney General in the course of pleading in behalf of those persons whom it was his duty to have prosecuted, so much forgot himself as to make use of expressions which were indecorous and even offensive towards the Magistrates who had pronounced those sentences.

Your Committee feel less hesitation in pointing out these derelictions from his duty by the said public

functionary, since the evidence, on which the same is for the most part founded, is corroborated by authentic documents; these make it appear that when it was in agitation to proceed on the question of boundaries, *en bornage*, against the parties in possession of the Seigniorship of *Mille Vaches*, in order to adopt proceedings for ejecting them from their encroachments upon the King's Posts, the natural desire he entertained to shield them, made him delay for a long time instituting an action *en bornage*, and it required nothing less than the repeated and positive orders of the Governor in Chief, to make him undertake that proceeding, (see Appendix C. from Nos. 8 to 30;) a culpable negligence which he would probably not have been guilty of, if he had not contracted the improper custom of practising as a private Attorney, which places him in contact with the interests of Government, and exposes him to the inducement of either neglecting or opposing them, as has been the case with respect to the disputes between the Lessee of the King's Posts and the aforesaid *Hudson's Bay Company*. When, in contempt of the King's Peace, and, without any sufficient cause, the servants of the former were torn from their residence at their Posts, and dragged to *Quebec* as prisoners, the said Attorney General brought bills of indictment against them, which were frivolous, and not justifiable by the circumstances attending them, whilst by a still more culpable neglect of his duty, and of the impartiality which ought at all times to be his guide, he favoured his own clients and granted to them an impunity, which is clearly demonstrated by the following facts.

The Attornies who were employed by the Lessee of the King's Posts to maintain his rights with respect to the charges brought against a number of the servants or agents of the *Hudson's Bay Company*, for having robbed the Indians of the interior, and having fired with guns and pieces of artillery upon the servants and clerks of the said *William Lampson*, and being desirous of ascertaining whether the said Attorney General intended to proceed against them in the Criminal Term of September last, wrote officially to him, in order, that in case he had determined to proceed, they might send for the witnesses required from the Indian Country. That Gentleman, however, not having thought fit to give them any answer, they, as they ought to do, considered his silence to indicate his intention of not proceeding in those suits; but, how much were they not surprised when they found that the said Attorney General, as soon as he knew that there were no witnesses, came forward with bills of indictment which he submitted to the Grand Jury, who threw them out, as was naturally to be expected. To the remonstrances which the Attornies of the Lessee of the King's Posts made to him on this subject, who maintained that they were not bound to send for witnesses from such a distance, without being sure of the cases being brought on, he answered, "It is not my fault; I have done my duty: here are the bills."

Your Committee ought not to omit one very peculiar circumstance, which has characterised the conduct of the said Attorney General with respect to the Petitioner who is now before this House. With the view of prejudicing the Judges of the Court of King's Bench against the said *William Lampson*, Plaintiff in the action *en révendication*, of which mention has before been made, it has appeared to Your Committee that by the advice and under the direction of the said Attorney General, the Petitioner was arrested for perjury, and that upon the sole accusation of the same individuals who had forcibly carried off his peltries, and who solely escaped from being overtaken by public vengeance, because their protector, the Attorney General, had recourse to expedients which are equally re-

pugnant

pugnant to honour, to duty, and to the due administration of justice.

The documents which have been filed before Your Committee have convinced them that the interest which the Attorney General has taken in these disputes, in favour of the Proprietors and Lessees of the Seigniorship of *Mille Vaches*, (the Partners and Servants of the *Hudson's Bay Company*.) did, in effect, influence the opinions which he gave to His Majesty's Government, on several occasions, and, in particular, the answer which he gave to the Questions (No. 3 and following.) which were submitted to him in November last, respecting a Petition presented in behalf of the *Hudson's Bay Company*, praying to be authorized to sell strong liquors to the Indians, and soliciting pardons for those of their servants who had so done.

In this answer, he pretended that the provisions of the Provincial Ordinance of the 17th of *George III.*, Chapter 7, prohibiting the sale of strong liquors to the Indians, was repealed by the 31st *George III.*, Chapter 1, and that the *Hudson's Bay Company*, trading in the Seigniorship of *Mille Vaches*, did not require either a pardon for having sold strong liquors to the Indians, or a licence for selling them in future.

Yet it is in proof before Your Committee that the Courts of Justice have contradicted those opinions by sentencing to fine and imprisonment such of the agents and servants of that Company as had sold strong liquors to the said Indians.

It appears therefore to Your Committee that the opinion so given by the said Attorney General, could only have been instigated by his desire to be of service thereby to his clients, whose interests were opposed to those of the Lessee of the King's Posts, and by a necessary consequence to those of the Crown itself.

In conclusion, Your Committee beg leave to submit the following Resolutions, as expressing the opinions of this House relative to the conduct pursued by the said *James Stuart*, Esquire, in his quality of Attorney General, in the matters which have given rise to the complaint upon which this Report is founded.

1. *Resolved*, That the Attorney General of this Province, is both by law and custom, the officer who is specially encharged with the duty of maintaining the rights of the Crown, as well as those of the public, as the present Attorney General, *James Stuart*, Esquire,

expresses himself in his letter addressed to the Civil Secretary, and dated on the 21th of December 1830.

2. *Resolved*, That the Attorney General of this Province ought not to practice as a private Attorney, in any case where he might be liable to be placed in opposition to the interests of the Crown, and of the Public, who are exclusively entitled to his services.

3. *Resolved*, That the said Attorney General, receives a Salary and Fees that are sufficient to prevent him from having any need of practising as an Attorney in the Courts, in behalf of individuals.

4. *Resolved*, That the said *James Stuart*, Esquire, Attorney General as aforesaid, did, in the matters relating to the complaints made by the Petitioner, *William Lampson*, become Counsel and Attorney for the Partners, Servants, or Agents of the *Hudson's Bay Company*.

5. *Resolved*, That by thus becoming Counsel and Attorney for the above mentioned individuals, the said *James Stuart*, Esquire, placed himself in opposition to the interests of the Lessee of the Crown, and, by a necessary consequence, also in opposition to the interests of the Crown itself.

6. *Resolved*, That the conduct of the said *James Stuart*, Esquire, on the occasion of the disputes pending between the *Hudson's Bay Company* and the Lessee of the Crown for the King's Posts, has been exceedingly unjust, vexatious, and equally injurious to the rights and interests of the Crown, and those of its Lessee, in the enjoyment of the Posts known by the name of the King's Posts.

7. *Resolved*, That this House perceive, in this conduct of the said *James Stuart*, Esquire, a new motive to solicit His Majesty's Government to dismiss him from his situation of Attorney General of this Province.

Ordered, That the Chairman do leave the Chair, and Report.

The whole nevertheless humbly submitted.

J. LABRIE, President.

EVIDENCE.

HOUSE OF ASSEMBLY,

COMMITTEE ROOM,

Thursday, 17th March, 1831.

JACQUES LABRIE, Esquire, in the Chair.

George Vanfelson, Esquire, Advocate General, appeared before the Committee, and was examined :

Do you know that disputes have taken place between William Lampson, Esquire, and the Hudson's Bay Company, relative to the King's Posts, and to the limits of the Seigniorship of Mille Vaches?—Yes ; for I was retained by Mr. Lampson in certain criminal cases against several of his servants, brought forward through the Attorney General, for and in the name of the Crown.

Are you also employed in civil cases for Mr. Lampson, and do you know whether the Attorney General is employed by his opponents?—I was one of the Attornies of Mr. Lampson until the 28th of January last, and it is within my knowledge that the Attorney General instituted, in behalf of the Hudson's Bay Company, an action *en réintégration*, against the said William Lampson, and several of his servants, for having taken possession of part of the territory alleged by the declaration to form a portion of the Seigniorship of Mille Vaches. I likewise know that the Attorney General is of Counsel for the Proprietors of Mille Vaches, in another action brought by the owners of that Seigniorship against the said William Lampson, and I believe also, against two or more of his servants ; and I do further know that the Attorney General is employed as Attorney for the Defendants in an Action brought by the said William Lampson against Robert Cowie and William Davies, two of the agents or servants of the Hudson's Bay Company, in trover, (*en révendication*,) for a certain quantity of peltries forming the basis of that action.

Is it within your knowledge that William Lampson has been charged with perjury by the agents or servants of the Hudson's Bay Company, and that he was arrested in consequence?—I have no personal knowledge of it, but it is a notorious fact.

Were you present at the Criminal Term in September last, and do you know whether any of the individuals in the service of the contending parties, were indicted for any crimes?—Yes ; and I know that Peter McLeod, the elder ; his son, and several other persons who were in the service of Mr. Lampson, were, in the first instance, indicted for a capital crime, and that the bill was thrown out by the Grand Jury ; and that afterwards other bills of indictment were submitted to the Grand Jury, one for a riot, and another for having resisted and assaulted a constable in the execution of his duty. These two last bills were found by the Grand Jury, and the Defendants having pleaded not guilty, prayed to traverse, that is, to put off their trials till the month of September next. The Attorney General opposed this delay ; and on that occasion, Mr. Gagy objected to him, that if any delay existed, it was to be

attributed to his own singular conduct in that matter, for that he, Mr. Gagy, having written officially to him, the Attorney General, when he was at Montreal, to enquire whether he intended or not to bring on these cases in the Term then ensuing, he, the Attorney General, had not deigned to send him any answer, and that consequently the Defendants could not be expected to be prepared to enter on their defence.

Do you know whether there were any charges or accusations made on the part of the servants of Mr. Lampson, against persons who were in the service of the Hudson's Bay Company?—Yes ; I do know that two or three bills of indictment were brought in by Mr. Attorney General against certain persons who were in the service of the Hudson's Bay Company, which were all returned *Ignoramus* by the Grand Jury, no witnesses having been brought forward to support them. Before these bills were laid before the Grand Jury, Mr. Attorney General, in that morning, apprized Mr. Gagy and myself thereof, and upon its being remarked to him, either by Mr. Gagy, or by myself, that several of the witnesses whose names were endorsed on the bills, were not in Town, being at the Posts, and that Mr. Lampson had not sent for them up, because he did not know whether he, the Attorney General, did or did not intend to proceed thereon in September, he, the Attorney General, replied, "I have nothing to do with that—I have done my duty,—here are the bills," or words to that effect ; and it was after this conversation took place that the bills were laid before the Grand Jury.

Do you know that the Attorney General insisted upon the servants of Mr. Lampson being held to bail to keep the peace, and that in large sums, and what reasons he gave for so doing?—Yes ; I do know that ; and the Attorney General, amongst other things, remarked that those persons being resident at the King's Posts, in a country remote from the presence of Magistrates and Peace Officers, ought to be held to bail to a large amount, so that they might be forthcoming when wanted, and that they might keep the peace towards all His Majesty's subjects ; he strongly insisted on this, and the Court held them all to bail accordingly.

When you acted as Attorney for Mr. Lampson, along with Mr. Gagy, did Mr. Lampson consult you as to what means were to be taken to prevent the Hudson's Bay Company, or their servants, from trading with the Indians of the King's Posts, and to prevent them from distributing strong liquors among them in large quantities?—Yes ; Mr. Gagy and I advised Mr. Lampson to proceed against such servants of the Hudson's Bay Company, whose names he could ascertain for having sold

sold or distributed strong liquors to the Indians contrary to the Ordinance of the 17th year of *George III.*, cap. 7; and also proceedings for having settled in the Indian country, also contrary to the same Ordinance. Four suits were accordingly brought for these objects: one against *Elie Boucher*, a second against *William Davies*, and a third against *Robert Cowie*, for having sold or distributed strong liquors to the Indians, and a fourth, finally, against the same *Robert Cowie*, for having settled in an Indian Country, contrary to the said Ordinance. Those suits were brought in the name of *George Linton*: by his consent, and they were all four proceeded in before the Police Magistrates, towards the end of November last.

Were you present in Court at the time of these proceedings, and can you say who appeared as Attorney or Solicitor for the Defendants?—It was the Honorable *Francis Ward Primrose* who appeared for the Defendants.

Did the Defendants immediately plead to the merits, or did they previously take any legal objection?—On behalf of the Defendants, he first pleaded in law, that the Ordinance in question had been repealed, and at the same time he offered or produced to the Magistrates the copy of an opinion given by Mr. Attorney General to the Administrator of His Majesty's Government in this Province, wherein he stated that the Ordinance in question had been repealed by an Ordinance of the 31st of His late Majesty, chap. 1; to wit: the "Act to explain and amend the Act, intituled, "An Act or Ordinance for promoting the Inland Navigation," and to promote the Trade to the Western "Country." This opinion appeared to have been given by Mr. Attorney General, in consequence of a previous application made on the part of the Defendants in question, in the suits before mentioned, or on behalf of the *Hudson's Bay Company*, to procure a pardon for the infraction of the first mentioned Ordinance, and also to obtain a licence to authorize them to sell or distribute strong liquors to the Indians in the said Seignior of *Mille Vaches*.

Was the objection taken by Mr. *Primrose*, on behalf of the Defendants, maintained or overruled by the Magistrates?—The sitting Magistrates took the objection into consideration, and two days afterwards gave a decision, by which they overruled the objection as unfounded in law.

When the Attorney General gave that opinion to Government, was he one of the Attornies of the *Hudson's Bay Company*?—Yes, he was acknowledged to be such, and, as far as I recollect, had already instituted his action *en réintégrand*e against *William Lampson*.

Is it within your knowledge, that, after the law objection raised by Mr. *Primrose* had been overruled, the defendants in these suits were sentenced to pay the fine for having sold strong liquors in contravention of the said Ordinance?—Yes; in consequence of Mr. *Primrose's* objection being overruled, and of the evidence brought forward in support of the charges, *Elie Boucher*, *William Davies*, and *Robert Cowie*, were respectively sentenced to pay each a fine of five pounds and costs, and moreover to be imprisoned for twenty-four hours, whilst the fourth suit against *Robert Cowie* did not succeed for the want of sufficient proof.

Did the individuals so imprisoned apply for the benefit of *Habeas Corpus*, and who appeared for them?—As near as I recollect, it was Mr. *Primrose* who made the application on behalf of *Elie Boucher*, but in the return of the Writ, Mr. Attorney General appeared on behalf of *Boucher*, as his Counsel, along with Mr. *Primrose*.

Did the Attorney General speak at great length,

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and with much warmth on that occasion?—Yes; he spoke at great length, was extremely animated, and spoke very slightly of the Magistrates who had pronounced the sentence.

Were not sometime afterwards, one or two other writs of *Habeas Corpus* taken out for *Davies* and *Cowie*, the other two Defendants?—Yes; and the Attorney General appeared again along with Mr. *Primrose* on the part of the Defendants, to give them his assistance.

Do you know whether the Defendants, *Elie Boucher*, *William Davies* and *Robert Cowie*, entered an appeal against those convictions in the Court of King's Bench for this District, by a Writ of *Certiorari*, and who appeared for them on that occasion?—Mr. *Primrose* is the Attorney named in the record of these matters, assisted by Mr. Attorney General as Counsel; and he declared himself to be such in Court, on a day in February Term last, when these causes were called.

Did any one then observe that Mr. Attorney General ought not to take any part in those causes for the Defendants, as the Crown was interested in them?—Being that day in Court, I remarked to the Court, that three convictions were here in question, part of the fine imposed by which belonged to His Majesty, that the Crown had a direct interest in those causes, and that if Mr. Attorney General gave his assistance to the Defendants, he must do it at his own risk and peril.

Who is the Crown Officer, whose duty it usually is, to assist and support the Magistrates, when their decisions are appealed from to the Court of King's Bench by a Writ of *Certiorari*?—For twenty-five years that I have practised at the Bar of *Quebec*, I have always found that that duty was usually assigned to Mr. Attorney General.

Why was he not then in this instance, engaged to give his assistance to the Magistrates?—The reason why Mr. Attorney General was not required, on this occasion, to render assistance to the Magistrates, was, as I have been informed, that the Magistrates made a special application to His Majesty's Government, to grant them the assistance of another Crown Officer, knowing that the opinion given by Mr. Attorney General was in contradiction of their decision.

Friday, 18th March, 1831.

George Vanfelson, Esquire, Advocate General,
again examined:—

Mr. *Lampson* being accused of perjury, for assuming upon oath his right to the Furs in question in the action in which he is Plaintiff, and in which the Attorney General represents the Defendants, should he be convicted of perjury, would not that action fall to the ground?—Yes; that is my opinion.

If the proprietors of *Mille Vaches* should prove to have no right to that part of the land claimed by them on which the Post of *Portneuf* is situated, would or would not to the best of your knowledge and belief the Crown recover or retain a large tract of valuable land?—Most certainly yes; and of a tract including a River of the same name, by means of which trade can be carried on in the interior with the Indians of the Posts, to the prejudice of the King's

King's Lessee, and in contravention of the exclusive privilege of trade which he holds under the Crown.

In as far as the Attorney General is concerned for the Crown, under the directions of His Excellency, together with you, in a suit *en bornage* against the Proprietors of *Mille Vaches*, is or is not the principal or immediate object of that suit to ascertain whether the Post of *Portneuf* be within the Seigneurie of *Mille Vaches*, or of the King's Posts?—Yes; that is the principal object; but the suit also goes to ascertain precisely the boundaries of the Seigneurie of *Mille Vaches*, so as to put an end to the disputes relative to the territory.

Is the Committee to understand that this suit has been instituted because of the difficulties that have arisen at *Portneuf*, or otherwise?—The action was brought in consequence of a Petition presented to the Governor, on the part of Mr. *Lampson*, complaining amongst other things, that, from the want of fixed and defined boundaries, the Proprietors of *Mille Vaches*, or their Lessees, had encroached upon the King's Posts, to his prejudice.

Is it or is it not then the duty of the Attorney General to exert himself to make it appear that the said Post and River of *Portneuf*, are beyond the limits of *Mille Vaches*, and really belong to the Crown?—I am inclined to believe so.

What effect upon the confidence of the public in the administration of justice, has the custom which the Attorney General follows of practising as a private Attorney in the Courts?—I believe that the private practice of the Attorney General tends to cause him to lose the public confidence, and to create apprehensions in the minds of those who have been, or may be, concerned against his individual clients, both in criminal and in civil cases.

Do you know whether Government has often occasion to apply for the opinion or opinions, or services of His Majesty's Attorney General, upon matters which offer themselves for the consideration of Government?—Yes; frequently.

By so practising as a private Attorney, may the Attorney General place himself in a situation so as to deprive the Government of the benefit of his opinion and his services as Attorney General?—I am of opinion that by practising for individual clients, the Attorney General may place himself in a situation to deprive His Majesty's Government of the benefit of his opinion and services as Attorney General, in such cases wherein the interest of such clients are in opposition to those of the Crown.

Has he, to your knowledge, placed himself in such a situation, either with regard to the Petitioner *Lampson*, or to any other persons?—Yes; in three of the *Habeas Corpus* and *Certiorari* cases, which I have before mentioned.

B. C. A. Gugy, Esq. appeared before the Committee, and was examined:

Are you the Attorney and Counsel of Mr. *Lampson* in his differences with the *Hudson's Bay Company*?—I am.

Who have been or are the Attorney and Counsel of the said *Hudson's Bay Company*, and of their Agents and Servants?—The Attorney General of the Province & the Honble. *F. W. Primrose*, are now avow-

edly and have been, I believe, for about six months jointly concerned for the *Hudson's Bay Company*, & their said Agents and Servants, in those differences. Originally, & from the month of June last, the Attorney General was alone, to the best of my knowledge, until I believe September last, when Mr. *Primrose* was employed at that time, these differences had acquired great notoriety and created considerable interest.

On what occasion or occasions did you first learn that the Attorney General was concerned for them, and what took place on that occasion or those occasions?—I think it was in June last upon occasion of an application made by me to obtain the liberation of a number of Agents and Servants of Mr. *Lampson*, who had been apprehended in the King's Posts, and brought up in custody to *Quebec*, the Writ was returned in Court, and the Prisoners being present, I moved their enlargement upon Bail (the Magistrate, Mr. *Christie*, having from the nature of the charge refused to Bail them). The Judges having demanded a perusal of the returns, warrants and commitments, declared without hesitation that the Parties were clearly bailable, & being then in their Chamber, declared that the thing suffered no difficulty. I went as a matter of course to intimate this to the Attorney General, as the King's Officer, but he did not favor me with any express verbal answer; the Clerk of the Peace informed the Judges that he had notified the Attorney General, and the Parties were immediately bailed. On the day following the Attorney General took occasion to remonstrate with the Court for this proceeding in so marked and so peculiar a manner, that I then observed that there must have been some other cause than his mere duty to the Public. During the absence of the Servants of Mr. *Lampson*, a quantity of Peltries passed into the hands of the *Hudson's Bay Company's* Agents and Servants as he informed me, and a Writ of *révocation* was sued out at his instance for the recovery thereof: the Writ was executed, and the Attorney General then, that is on the 2d of June, openly appeared as the Attorney for the Defendant, claiming the delivery of the Peltries on security being given.

Were you present at any time during the Session of the Criminal Term in September last, and did any part of the conduct of the Attorney General strike you as more harsh or severe than the duties of his office as such Attorney General seemed to require, or as indicating a leaning on his part in favor of the *Hudson's Bay Company*?—It did so; but as I am concerned for Mr. *Lampson*, & as there may be a bias on my mind which may affect my Judgment, I would prefer to state the facts for the information of the Committee.

Please to relate what struck you?—To the best of my knowledge, belief & memory, they are as follows: I have spoken before of the warrants and commitments upon a capital charge, namely "Robbery" of certain of the Servants of Mr. *Lampson*; upon this charge the Attorney General preferred a Bill of Indictment, which was submitted to the Grand Jury. The witnesses were all Persons in the employ of the *Hudson's Bay Company*, yet the Bill was immediately Ignored. Upon this an application for a discharge of the Prisoners was made, and successfully resisted by the Attorney General upon the ground of his having other charges against the same Persons. He subsequently preferred Bills of Indictment against them for misdemeanors founded upon the same fact, and having charged some of the witnesses, these last Bills were found—Upon their return the Defendants pleaded an application for leave to traverse, which application was most energetically opposed by the Attorney General

ral, who stated that from the irritation of the Parties in those distant places beyond the reach of the law, bloodshed might ensue, unless the Court proceeded forthwith to try and punish these offenders; the Attorney General assuming that they were the aggressors.—The Court having decided this in favour of the Defendants, the Attorney General moved upon similar grounds, and with the view of preserving the King's Peace, as he declared, that the Defendants should be held to bail severally in a large sum of money, and the Court acceded to his wishes, with the consent of the Defendants Counsel. I must now advert to several grave charges made upon oath by some of the Agents of Mr. Lampson against those of the Hudson's Bay Company, upon which warrants had issued previous to the month of September, and upon which the Parties had been held in recognizance to appear at that Term; knowing the connection of Attorney and Client which then and for some time previous had existed between the Attorney General and their Parties, Mr. Advocate General and myself for Mr. Lampson, deemed it a necessary precaution to write a Letter to the Attorney General then in Montreal, to ascertain from him whether he would or would not proceed upon these latter charges in the ensuing Criminal Term of September. We did this under the impression that he felt an interest for his Clients, and we were desirous of learning from himself whether he would or would not leave the management of the accusations against his Clients to ourselves, knowing from previous circumstances of a similar nature, that private Counsel preferring Bills of Indictment without the sanction of the Attorney General or against his will could not expect success; the administration of the Criminal law in Canada being in this respect, as I apprehend, somewhat different in practice from what it is in England. It is proper I should notice that the material witnesses were at a great distance from Quebec, and to have brought them up without a prospect of proceeding, would have been a ruinous and useless expense.—I accordingly wrote a Letter to the Attorney General, which was put in the Post Office, in sufficient time to have reached Montreal, and to have enabled me to receive an answer in time to get up the witnesses. The Attorney General told me subsequently that he had received this Letter: it was an official Letter addressed to him in his public capacity, on public business; but he did not answer it, the Letter and affidavit relating to it were filed in the Crown's Office.—In consequence of the want of an answer, the material witnesses who would have supported the charge did not come up, and on the second or third day after the commencement of the Criminal Term, when I was in attendance in Court in consequence of the laying before the Grand Jury of the Bills against the Servants & Agents of Mr. Lampson, the Attorney General addressed me, and inquired if our witnesses had arrived; I replied in the negative, and in turn asked him if he had received my Letter, which he then admitted he had: I reproached him for having omitted to answer it, he gave some frivolous reasons, and I believe asked me, if I thought that he had our witnesses in his pocket. On the day after he had thus ascertained that the material witnesses in support of the complaints were not in attendance, he appeared in Court with Bills of Indictment drawn up by himself, founded on the depositions to which I have alluded. Mr. Advocate General and myself then expressly notified and warned him that the material witnesses were not in attendance, and the Bills must of course be ignored, if laid before the Grand Jury; he replied, with an appearance of jocularity, in french, *ce n'est pas mon affaire, j'ai fait mon devoir, voilà les Bills*, or words to that effect,

he persisted in laying the Bills before the Grand Jury and they were of course thrown out.—We subsequently submitted articles of the Peace in order to restrain the Servants of the Hudson's Bay Company in future: the affidavits disclosed previous outrages committed on the people of Mr. Lampson, and substantiated abundant grounds for fear in the latter that the former would repeat them, at a period when Mr. Lampson's people being bound to keep the peace, in a severe penalty, as I have stated, were thereby less able to cope with their adversaries. The Attorney General resisted this application in a very animated manner; when he sat down, I repeated the arguments that he had previously urged with the Court, when he moved to have Mr. Lampson's people bound over; and I expressed my astonishment that he should not have supported my application, being, as the King's Officer, bound to repress all kinds of violence, and I showed the difference between his conduct and his views of the subject on this occasion when the Hudson's Bay Company were concerned, and his conduct and expressions when he required bail from Mr. Lampson's people. Shortly after this he left the Court, and immediately after, & for the first time, to my knowledge, the Honorable Mr. Primrose came forward as Counsel for the Hudson's Bay Company. I think it proper to state that during the whole of the proceedings the Attorney General was acknowledgedly the private Attorney and Counsel of the Hudson's Bay Company, Agents and Servants.

Do you know whether certain Agents or Servants of the Hudson's Bay Company were convicted for distributing Liquors to the Indians at Portneuf?—I know they were.

Who defended them on this occasion in the proceedings which followed, and when was it?—Mr. Primrose appeared in Court for them in November last. The Attorney General subsequently joined him on behalf of the parties, late in November or early in December, when the Writs of Habeas Corpus were discussed, and afterwards in the King's Bench in February last, when the Certiorari's were returned.

Did you remark any attempt to influence the Court, and if so, who made it and how did it take place?—The cases came on, I think, before Mr. Neilson, Mr. Duchesnay and Mr. Davidson, (Mr. Davidson was also on the Bench,) Mr. Primrose argued at great length, and while doing so, Mr. McKenzie, General Agent for the Hudson's Bay Company, put a paper into his hands, on which Mr. Primrose stopped short, as well as I can remember. He then said the question was one of law, namely, whether the Ordinance under which we proceeded was or was not repealed, and he was sure the Magistrates would listen to the greatest law authority in the Country, no less than the opinion of the Attorney General; that this opinion had been called for by Government, on an application made by the Hudson's Bay Company, to obtain a Licence for distributing Rum to Indians. These matters attracted my attention, not only because some parade was made on the subject, but because Mr. Lampson, to my knowledge, had been refused a copy of the opinion of the Law Officers of the Crown, by Sir James Kempt, on an application made to him, on the ground that it was not customary. The production of this opinion was irregular, and appeared to me to be meant to influence the Court improperly.

Was any mention made of an intention to apply for a pardon?—Mr. Primrose certainly did request the Magistrates to postpone the cases to enable the parties to apply to the Crown for pardons, and I understood him to express his conviction in allusion to the opinion
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of the Attorney General, that they could not fail to obtain pardon.

Were the parties convicted and imprisoned, and did they or did they not apply for Writs of *Habeas Corpus*?—They were convicted and imprisoned, and subsequently applied for Writs of *Habeas Corpus*.

Was the Chief Justice applied to, and did he or any other and which other Judge grant the Writ?—I understood, from the Chief Justice himself, and heard Mr. *Primrose* mention the fact, that the Chief Justice had been applied to and had refused the Writ to *Boucher*; Mr. Justice *Kerr* however subsequently granted the Writ, and afterwards two others, I thought it my duty to make known to Mr. Justice *Kerr* at the time, that the Writ had been refused by the Chief Justice, but he seemed to have been previously aware of it.

Who appeared for the Prisoners?—Mr. *Primrose*, together with the Attorney General.

Do you remember any of the grounds urged by the Attorney General, which appeared to you to be inconsistent with his duty as Attorney General?—I know that he contended vehemently that the *Hudson's Bay* Company were entitled of right to trade with the Indians and to compete (he used the words commercial competitions) with the King's Lessees. He warmly censured the Justices of the Peace and held them up to Public scorn for their decision, and he appeared to me to insist that *Portneuf* was within the limits of *Mille-Vaches*.

One part of the conviction seems to have been imprisonment for 24 hours, was there any other and what penalty?—Yes, the parties were condemned to pay a penalty of five pounds, whereof one moiety to the King.

Were Writs of *Certiorari* subsequently issued?—Yes.

Did or did not the Attorney General appear as Counsel for the Defendants who sued out such Writs?—Yes, he did in the King's Bench after the Writs were returned.

In the event of the parties succeeding on their Writs of *Certiorari*, and the convictions being quashed, would or would not the moiety of these several penalties be lost to the Crown?—Certainly, the Crown must lose its moiety in the event of the convictions being quashed.

Has or has not the distribution of Rum to the Indians been generally reputed to produce fatal consequences, and to tend to demoralize the natives?—It has notoriously.

Is it or is it not understood that the difficulties between these parties have arisen from the occupation of the mouth of the River *Portneuf*, that River affording great facilities for trading with the interior?—Yes, it is.

Is it or is it not clear as well from the line of argument adopted by the Attorney General on the *Habeas Corpus*, as from his subsequent appearance on the *Certiorari's*, that he was retained by the *Hudson's Bay* Company, and consequently proposed to insist as a matter of Law on their right to distribute Liquor to the Indians?—Certainly.

Would or would he not from the relation in which he stood to his Clients, have effectually attained his object if the Court had followed his opinion when so handed up to them by Mr. *Primrose*?—Certainly.

Did you peruse the opinion presented to the Court by Mr. *Primrose*, and did you remark in it any intimation to Government or any allusion by the Attorney General to the fact of his being the private Attorney and Counsel of the parties petitioning for leave to distribute Liquor to the Indians?—I did peruse it. There was not to the best of my knowledge and belief any intimation or allusion to the relation in which he stood to the parties.

It appears that the Attorney General has sued out an

act on *en réintégration* to recover possession of the premises from Mr. *Lampson*, do you know whether any metes and bounds dividing *Mille-Vaches* from the King's Posts have ever been set?—I believe that the boundaries are not as yet legally defined, and the Attorney General himself has brought an action *en bornage* in behalf of Government, by order of His Excellency the Governor in Chief, in the concession of *Mille-Vaches*, the words "*au lieu dit Mille-Vaches*" are used, which seem to me establish its situation on the spot so called.

What is the object of the action *en bornage* brought by the same Attorney General against the proprietors of *Mille-Vaches*?—To establish the limits of that *Fief*, and to ascertain whether in occupying *Portneuf* or otherwise, the proprietors or Seigniors of *Mille-Vaches* or their Lessees have trespassed on the Crown Lands.

If the Attorney General should succeed in obtaining a *bornage*, and that the proprietors of *Mille-Vaches* should be found to have exceeded their limits by occupying *Portneuf*, would or would not Mr. *Lampson*, as Lessee of the Crown, be entitled to the sole occupation of the River *Portneuf*?—He certainly would, as it appears to me.

If on the contrary the Attorney General should succeed in the action *en réintégration* for the *Hudson's Bay* Company, would he not drive the King's Lessee, Mr. *Lampson*, from *Portneuf* aforesaid?—That would be the natural consequence though the action is a possessory action.

What do you mean by the term possessory, and how does it apply to this subject?—That the action is founded on an alleged possession of the premises by the proprietors or Seigniors of *Mille-Vaches*.—I must remark that the possession of the Lessee seems to be that of the Lessor, and that as Mr. *Lampson* pays an annual rent of £1200, the Crown possesses through him and through its former Lessees as much as the proprietors of *Mille-Vaches* by theirs.—But even if the Crown did not, it is bound to give him enjoyment of the whole Territory of the Crown in those parts. If the possession of a habitation at *Portneuf* is a possession by the *Hudson's Bay* Company, for their Lessors of any specific portion of the surrounding Territory, in a Country entirely without land-marks of any descriptions, it can only be a constructive possession, and no bounds can be put to the extent which they so constructively possess, other than the conceded lands at one extremity, and the sea on the other,—possession, that is legal possession, ensures enjoyment. If the *Hudson's Bay* Company had it, Mr. *Lampson* would be a trespasser, and the *Hudson's Bay* Company would of course eject him by the ministry of the Attorney General on proof of possession, although they had exceeded their limits; but on application to the Crown by the Lessee, the same Attorney General must eject his previous Clients, the *Hudson's Bay* Company, should they be found to have trespassed, in the name of the Crown, but in effect for Mr. *Lampson*.

Should it be intended to convey to the Committee that the Attorney General should not have interfered in the controversy on behalf of the proprietors or Lessees of *Mille-Vaches*, you are requested to shew the position of the Attorney General as it strikes you?—The Seignior of *Mille-Vaches* being surrounded on three sides by the King's Posts, the proprietors or their lessees cannot exceed their limits without trespassing on the Crown Lands, the said Seignior was leased by the *Hudson's Bay* Company for purposes of trade, and the Lessee of the King's Posts has an exclusive privilege. It seems to me that these facts must have been known, and are sufficient to have restrained the Attorney General from interfering in favor of the *Hudson's Bay* Company, for it was evident from the first that the interest of the Crown and of this Company might clash a case

case in which the Attorney General can have no option and must support the Crown. As Attorney for the *Hudson's Bay* Company and Counsel for the Seigniors of *Mille-Vaches*, the object of the Attorney General must be to defeat the rights of the King's Lessee, or at least to retard his enjoyment, while his adversaries profit by the trade, and to maintain the Claims of the Seigniors to the disputed territory, in order that his other Clients, their Lessees, may enjoy it. On the other hand, as Attorney General acting for the Crown, he is bound to support the King's Lessee by securing to the Crown the disputed territory. This much relates to the property. With respect to the right of Trade, it cannot be questioned that the Lessees' right excludes all other persons, and yet that the *Hudson's Bay* Company are supported, in their Claim to traffic in Peltries, by the Attorney General. If the Lessee can call on the Crown for support, the Attorney General must act in his favor, and here again his position is extraordinary.

Could the Lessee or Lessees of the King's Posts have any confidence in the zeal of His Majesty's Attorney General in the prosecution of any suit or suits against the proprietors of *Mille-Vaches* or the *Hudson's Bay* Company his Clients?—Admitting that the Attorney General would consent to prosecute his own Clients, in whose favor, (although an eminent professional Gentleman,) he must be biassed, to eject them from the disputed territory, it cannot be supposed that the Lessee or Lessees for whose benefit this ejection must take place, would have any confidence in his zeal, notwithstanding the unrivalled professional talents, knowledge and industry of the individual who fills the office.

Do you know whether the Petitioner Mr. *Lampson*, has been accused of perjury, and to what it relates?—I know he has.

What does the accusation arise out of?—It has its origin in the Writ of *révendication*. To obtain the Writ, Mr. *Lampson* was obliged to take an Affidavit, and the charge of perjury relates to this Affidavit. This accusation, before the cause was decided or even tried, made by the Defendants, together with the public arrest of a respectable Gentleman, and the part taken in it by the Defendants' Counsel, seem to be so cruel and unjustifiable an abuse of the Criminal Justice of the country, and a case of such extreme hardship, that I am convinced that if the Attorney General had not been the Defendants' Counsel, it never would have occurred.

What effect would the conviction of Mr. *Lampson* produce on the said Cause?—Upon the Court of King's Bench, on the Civil side, being duly certified of the conviction of Mr. *Lampson*, I am led to believe that they would not entertain the action in *révendication*, otherwise there might be this singular contradiction, that the Plaintiff might suffer an infamous punishment for the crime of perjury under the sentence of the Court, while the same Court might adjudge to him the very Furs which formed the subject of his action, as well as of the accusation of perjury.

How could the same Court come to one conclusion on the Civil side, and to another conclusion on the Criminal side?—Juries differ in their verdicts, and Judges differ in their charges; but on the Civil side, although Mr. *Lampson* cannot be a witness for himself, yet it is clear that neither the Defendants nor any interested party can give testimony against him. Mr. *Lampson's* proof therefore, if otherwise sufficient, could not be contradicted by the parties themselves, but on the Criminal side all the parties interested, including the Defendants themselves, may be and no doubt would be witnesses against him, and thus would support the accusation. Therefore, even if Mr. *Lampson* had good proof, that would be contradicted by his accusers, and being a matter of evidence, the Jury might find him guilty. Here it must be remarked that as the Defendant, he could not be admitted to give evidence and would not have the same advantage as his adversaries.

Is the Committee to understand that the Criminal accusation is a kind of defence to the action?—I certainly consider it as such, and did so at the time of Mr. *Lampson's* apprehension.

Was Mr. *Lampson* apprehended upon this charge?—He came up to me in the custody of an officer to enquire what he should do.

Is it usual in *England* for a Justice of the Peace to arrest for perjury before Bill found, or out of Session?—Not having been out of this country, I can only answer from the Books, that in English modern practice, it is not usual to do so. I had occasion to refer to *Chitty's Criminal Law* at the time, and he states what I here declare, in the 13th page of the third volume. I complained of this act as one of unnecessary hardship, and great vexation, Mr. *Lampson* being a well known and most respectable resident and house-holder in *Quebec*; but Mr. *Davidson*, the Magistrate who issued the warrants, assured me that he had done what the Lawyer concerned told him was regular. A charge of perjury is easily made, and originating in angry feelings, and the desire of ruining one's adversary in public opinion, may often be made without any manner of cause.

It is I presume for such reasons that warrants do not usually issue in *England*, especially where the parties are residents and respectable, before Bill be found, or in Sessions. I do not go to the length of saying that it cannot be done, but certainly it is not usual in *England*, and as it appears to me, should not have been done in the case of the highly respectable Gentleman in question.

Have you seen the depositions and warrants, and do you know who prepared them?—I have seen the warrants at least, if not the depositions, I believe that Mr. *Primrose* prepared them, and that they are in his hand writing, and I have heard him say he had done so.

To the best of your knowledge and belief, has the Attorney General taken any part in this accusation?—Under the circumstances of the case it is impossible that the accusation could have been made without the consent or knowledge of the Attorney General; I cannot entertain any doubt whatever that he directed or advised the measure adopted by his Associate Counsel Mr. *Primrose*, from a case of such a nature, conducted by the Attorney General, and in which I was concerned, which occurred some years ago, my attention was particularly called to that of Mr. *Lampson*, and from the reflections made on the former, I have been led to notice the present.

What was the former Case to which you refer?—In that Case, *J. T. Hoyle* and his wife, were Plaintiffs, and *M'Kenzie* and others, Defendants.

How was it conducted?—The Plaintiffs claimed payment of the amount of a Promissory Note. The Attorney General appeared for the Defendants. When the Case was nearly ripe for Judgment, he moved to impound the Note on the ground that it was forged.—The Court did so, and he subsequently had the Plaintiffs arrested and imprisoned on a charge of forgery. They were admitted to Bail by the Court then in Session: A Bill of Indictment was laid before the Grand Jury and thrown out, a second Bill was prepared, sent to another Jury, found, and the parties committed.—They were tried on this charge and acquitted. Public opinion was so much in favor of the accused, that the verdict was loudly cheered by a crowded audience.—The Case was at least two years pending, and during the Criminal Proceedings, the Civil suit of course was stopped. The Court of King's Bench on the termination of the Criminal Proceedings gave Judgment for the Plaintiffs. This was subsequently reversed on a question unconnected with the charge of forgery in Appeal. The Case produced great excitement.

Does the Attorney General practice as a private Attorney?—He does.

Is that rendered necessary by the insufficiency of his income?—It cannot be, for he is reputed to have and must have a very large income.

Does he bring many suits for the King?—Yes, he does. The Crown's Civil business is very great, and must be exceedingly lucrative.

Does the private practice of the Attorney General affect the public confidence in the administration of justice, and how does it do so?—It is certainly calculated to do so. I have alluded before to the difficulty, if not the impossibility, of proceeding with effect as a private Counsel in a Criminal Prosecution against the will of the Attorney General. I do not doubt the right of Counsel so to proceed, but whether the fees be or be not the cause, the Attorney General has hitherto laid claim to the exclusive right of prosecution, and the Courts are understood to favour this pretension. Of course the Client of an Attorney General has a decided advantage over his adversary. As an example, I shall state the case of a discovery upon oath, which may be claimed upon *faits et articles*. The Client of the Attorney General, proceeding under his advice, has of course nothing to fear from any human tribunal, as the Attorney General could not of course indict his own Client. If another Attorney attempted it, he must fail from the reasons above stated, or the Attorney General, as a matter of course, could file a "*nolle prosequi*," or if (which is scarcely possible) these resources all failed, being an Executive Councillor, possessed of great influence there, and with the Judges (one of whom Mr. Kerr, also an Executive Councillor, I have remarked to be palpably subservient to the Attorney General's views,) he the Attorney General must succeed in obtaining a pardon for his own Client, as well as in shutting the gates of mercy on his adversaries, if they were convicted. But the other party especially, if at all timid, may fear to testify even to the truth, and may forego his rights by abstaining from swearing, from a well founded apprehension of being accused, which in such cases, even without a chance of conviction, is a very serious evil. Mr. Lampson's is a case in point, and I speak from experience. Again, general references are invariably made to the Attorney General, in any case in which the favor or influence of the Crown is required and prayed for. Such cases must often occur, and it is easy to see that the previous intercourse of the Attorney General with his Clients must tend to induce him to report in their favor and against their adversaries.

Does not the Attorney General in *England*, take private practice?—I understand he does, and if there were any analogy between the situations and the state of the two countries, it might be done here without inconvenience, but if I mistake not, the Attorney General in *England*, confines himself to the prosecution of offences against the State, and of magnitude. Here the case is notoriously different. Again, in *England*, he receives his brief from an Attorney, and is a mere Counsel without necessary intercourse with the party, or even knowledge of his Client, and in many cases without the chance of ever meeting him again. Here every branch of the profession is united in the same individual, and it is nearly impossible to avoid partaking more or less of the passions of the parties litigant. Again, the circle of society here is so limited, that the Attorney General must be exposed daily to come in contact with the persons of those against whom he is acting. The extraordinary zeal evinced by the Attorney General for the *Hudson's Bay* Company, his Clients, on every occasion, and the circumstances attending, and the consequences following this case, are proofs of the difference existing in the two countries. It would be impossible to convey a just idea of the difficulties to which Mr. Lampson has been exposed from the influence of the Attorney General, and of his rich and pow-

erful adversaries, the *Hudson's Bay* Company, over the Magistrates and others.

Can the private practice of the Attorney General affect his duty to the Government?—I have no doubt that it does. He must become more or less entangled in the proceedings and feelings of his Clients, and even if he could divest himself of all leaning in their favor, or against their Adversaries, neither the Government nor Public could be expected to give him credit for impartiality; in these cases, therefore, Government must be deprived of his opinions and services. The case of *Lampson* is a case in point; there are other duties he owes to the Public, such as draughts of "*Bonds*," of "*Letters Patent*," and divers others. From his private practice he has not the time necessary to expedite the public business. I have heard many complaints of the delays which take place in the office of the Attorney General, and I myself have suffered from his having, upon his own admission, postponed business, in which I was concerned, until after the Session of a Court of Appeal in which he was occupied as a private Attorney.

Which of the parties commenced the arrests?—The *Hudson's Bay* Company were the aggressors in this respect at least, for the first step was the apprehension of Mr. *Lampson's* Servants in June last, as I have already mentioned, and all the other collisions and contentions followed. These people were brought up and lodged in Gaol on a Capital Charge. The last proceeding of the kind was also one taken by the *Hudson's Bay* Company, to my knowledge, as some of Mr. *Lampson's* Servants were apprehended (in December I think) and brought up for the Crime of cutting down one spruce tree at *Portneuf*. I produce copies of the warrants (see Appendix L. M. N. O.) that the Committee may ascertain that the fact is literally so. They were after considerable delay, expense and vexation, tried and acquitted upon the "Act to amend "an Act passed in the ninth year of His Majesty's "Reign, intituled, "*An Act for the more speedy remedy of divers abuses prejudicial to Agricultural Improvement in this Province*," "and to make further provision to the same effect," being the 10th and 11th *George IV.* cap. one, on which they were accused.

Who is the Honorable *John Stewart* mentioned in the warrants you produce, as one of those upon whose information it issued?—He is an Executive Councillor and a Member of the Court of Appeals, and Agent for some of the Proprietors of *Mille-Vaches*.

Are there any other Executive Councillors interested in the controversy between the parties?—I understand that the Honorable *John Richardson* is a proprietor of *Mille Vaches*, and a proprietor in the *Hudson's Bay* Company.

Saturday, 19th March 1831.

William Lampson, Esquire, Lessee of the King's Posts, appeared before the Committee, and was examined:—

Are you the Lessee of the King's Posts?—Yes, I have an assignment or transfer of the original lease to the late *John Goudie*.

Have you been recognised by the Government as the Lessee of the Crown?—Yes; Government has received the rent, viz: £1,200 from me for the last three years, and

and both His Excellency Sir *James Kempt* and Lord *Aylmer* have extended their protection to me, and Lord *Aylmer* has forced the Attorney General to institute an action *en bornage* against the Proprietors of *Mille-Vaches*.

Do you complain of the conduct of the Attorney General, and in what respect?—I have invested a large capital in the business of the King's Posts under the impression that the faith of Government was bound to protect me in the exclusive and undisturbed possession of the trade and territory during the continuation of the lease, but to my great astonishment, I find the Attorney General, the leading Crown Officer, engaged as Advocate for the *Hudson's Bay Company* in the most vexatious and unwarrantable interference with my exclusive trade.

Were your people, or any of them, apprehended last June at the River *Portneuf*, and under what circumstances?—My Clerk and people at *Portneuf* in June last, about the time that the Indians were coming down from the interior with their Furs, were apprehended under a false charge of felony; they were all brought away in a Schooner to *Quebec*, I think eight in number, and most of them without warrants. They arrived in *Quebec* on a Saturday evening, were kept on board till Monday morning, then marched to Gaol with a guard of soldiers. They were kept in Gaol one or two days, then conducted to the Police Office with a guard of soldiers, when they were bailed to appear at the September Term. These young men were all of respectable families and of good character. In September following a Bill of Indictment against them was returned *ignoramus* by the Grand Jury, and my Attorney, Mr. *Gugy*, claimed their discharge, when the Attorney General opposed it, saying he intended laying another Bill of Indictment against them, founded on the same facts. On the first Bill of Indictment, as I was informed, there were three witnesses called, one *Robert Cowie*, a partner of the *Hudson's Bay Company*, *William Davies* his clerk, and *Joseph Barras*, a respectable inhabitant of *Point Levi*, who was down at *Portneuf* in the service of the *Hudson's Bay Company* in June last when this affair happened, for which my people were arrested. *Barras'* name as witness, was kept off of the second Bill of Indictment, consequently there was none called but *Robert Cowie* and *William Davies*, the very persons who caused the quarrel at *Portneuf*, and who, in the absence of my servants, succeeded in getting from the King's Posts, a lot of Furs to the value of nearly £2,000. It is proper here to observe, that these Furs had been taken by the King's Posts Indians far in the interior, brought down within about ten leagues of the *St. Lawrence*, there put *en cache*, as it is their custom, and delivered up to Mr. *McLeod*, my clerk. In the absence of all my people, the *Hudson's Bay Company*, by getting the Indians drunk, ascertained where the Furs were, and sent this *Davies* about ten leagues into the interior, and obtained them. I sued out a Writ of *révencation*, and seized these Furs at *Portneuf*, and for making oath that I was possessed as proprietor of the same, the Attorney General prosecutes me for perjury, for the express purpose, as I verily believe, to enable him the better to defend the suit I have brought against the said *Cowie* and *Davies* to recover the Furs in question.

How is it that the *Hudson's Bay Company* have a trading house at *Portneuf*?—They have unlawfully, as I conceive, kept a trading house there since the commencement of this lease, under the pretence that it is within the Seigniorship of *Mille-Vaches*.

If *Portneuf* was within the Seigniorship of *Mille-Vaches*, do you consider that the proprietors of the said Seigniorship would have a right to trade with the Indians of the King's Posts?—Certainly not; this Seigniorship was granted for the purpose of settlement only: there is no exception to my lease whatever, the owners of this Seigniorship are

restricted as well as all the rest of His Majesty's subjects from interfering with the exclusive rights of the Lessee of the King's Posts, or from enticing away the Indians or treating them with festivity, it is preposterous to suppose that any one would invest the capital necessary to carry on this trade and pay the large annual rent, if competition was allowed in the heart of the domain, in fact it would be no exclusive right at all; but on the contrary, a competitor holding the Seigniorship of *Mille-Vaches*, in that case would stand a far better chance of trade than the Lessee of the King's Posts, not being under any obligation (as is the case with the Lessee,) to administer to the wants and comforts of the natives, but a small capital required and not being under any of the severe obligations imposed by the conditions of the lease of the King's Posts; and if they are allowed to distribute Rum to these innocent but improvident Indians, they would entirely destroy not only the trade, but the Indians themselves, and the Lessee of the King, instead of enjoying an exclusive trade, would be paying a heavy annual rent and keeping up extensive establishments for no purpose. And it certainly does appear to me, that the Attorney General in advocating the right of the *Hudson's Bay Company* to interfere at *Mille-Vaches* with the Indian trade, is acting a part adverse to the interest of the Crown. If, for instance, Government wish to rent this territory again after the expiration of the present lease, no person would bid for it, if this competition is allowed, nor can it in justice be supposed that Government will exact the rent on the present lease if the Lessee does not enjoy the trade.

How far below the Bay of *Mille-Vaches* is the River *Portneuf* where this trading Post is established?—By Captain *Bayfield's* survey made last summer, there is from the lower point or extremity of the Bay to the Church of *Portneuf* 8,040 yards, which is, if I am right in the calculation, about one league and three fourths.

Where is the Seigniorship of *Mille-Vaches* located by the Grant, and what are its dimensions?—The Seigniorship of *Mille-Vaches* is situated below the *Great* and *Petit Bergeronnes* Islands, at the Bay of *Mille-Vaches*, in the words of the concession, *au lieu dit Mille-Vaches*. It is three leagues in front by four in depth.

What is the breadth or front of the Bay of *Mille-Vaches* where this Seigniorship is situated?—It is, I am sure, a little over four leagues.

Does this location of the Seigniorship of *Mille-Vaches* agree with the old maps of the Province?—It does with *Vondenvelden's* and all other maps of the Province that I have seen.

What may be the extent in front of the King's Posts?—About ninety-five leagues from the *Black River* to *Cape Cormorant*, below the River *Moisi*.

What has the Attorney General to do with this matter, or how is he concerned against you as Lessee or against the interest of the Crown and Government?—He is the Counsel for the *Hudson's Bay Company*, in several suits brought against me concerning this Seigniorship, and is endeavouring to support them in their unjust pretensions or pretended claims to the River *Portneuf*, whereby my exclusive trade is ruined, and the Crown will lose a large tract of valuable land and timber: it is valuable to the Lessee of the Crown, inasmuch as it affords him an easy communication with the interior where Furs are only to be had, and valuable to the Crown, in consequence of the borders of this River being an excellent soil of Land and well timbered.

Did your predecessors ever make any remonstrances to Government in consequence of the *Hudson's Bay Company* retaining possession of a Post at the River *Portneuf*?—Yes, the late *John Goudie*, as I understand, immediately after obtaining possession of the King's Posts

Posts under his lease, applied to Lord *Dalhousie*, the then Governor in Chief, to give him possession of the Posts and Buildings at *Portneuf*. The Governor said the matter should be referred to the Crown Officers. Accordingly he instructed Mr. *Uniacke*, the Attorney General, and Mr. *Vanfelson*, the Advocate General, to investigate the subject and make their report, whether or not *Portneuf* was on the Seigniorship of *Mille-Vaches*. I understand they made their Report in March or April 1823, and that Report was, that *Portneuf* was not on the Seigniorship of *Mille-Vaches*. I have applied to Sir *James Kempt* for a copy of that Report, but I am led to believe, from the influence of the present Attorney General, and from his zeal to promote the interest of the *Hudson's Bay Company*, his clients, that that opinion has been withheld from me. By a reference to that document, the Committee will readily perceive that the Post in question has been unjustly withheld from the Lessee, and that my pretensions are not new or unfounded, and that the present Attorney General is acting in opposition to the interest of the Crown.

Did you, or any of your servants, recently apply for warrants of arrestation against the partners, agents and servants of the *Hudson's Bay Company*, in consequence of any outrages committed upon your people?—Yes, we did, and I produce three depositions, (See Appendix P. Q. R.) sworn to before *John Clapham*, Esquire, a Justice of the Peace in *Quebec*.

Did Mr. *Clapham* issue his warrants to have the *Hudson's Bay Company* people arrested?—No, he did not.

Do you know why he did not issue his warrants?—I called at the Police Office, and was told by Mr. *Baby*, a Clerk in the Office, as well as by Mr. *Perrault*, Clerk of the Peace, that he had been ordered by Mr. *Clapham*, to make out the warrants; but before he had completed them, Mr. *Clapham* countermanded the order, saying he should consult with the Attorney General before issuing them, since which I have not been able to obtain them.—The Attorney General abused the Magistrates for their proceedings against the Servants of the *Hudson's Bay Company* in the cases of selling Liquors, and it appears to me that Mr. *Clapham* was fearful of giving his warrants on that account.

Do the *Hudson's Bay Company* distribute liquors to the Indians of the King's Post at *Portneuf*?—Yes, to a criminal extent; I am credibly informed that they consumed nine Puncheons of Rum at *Portneuf* last year, and it is a fact that four Indians lost their lives there during last summer, in a state of intoxication—this is a serious wickedness, and require redress—they were complained of for this offence, & *Cowie*, *Davies* & *Boucher* were condemned by the Magistrates to fine and imprisonment; and it is a well known fact that the Attorney General has laboured hard to screen them from the sentence.

Monday 21st March, 1829.

The Honble. *Francis Ward Primrose* appeared before the Committee, and was examined:

Are you retained in any & what Causes for the *Hudson's Bay Company*?—I am generally retained for the *Hudson's Bay Company*, either as Counsel or Attorney, as it suits them.

Are there any of these Causes in which the Company are concerned, and in which Mr. *William Lampson* is opposed to them?—There is only one, I believe, in which they are Plaintiffs.

What is the nature of that Cause, its number, names of the Parties, &c.?—It is an action *en réintégration*, to

recover possession of part of the Seigniorship of *Mille-Vaches*; but it will be best known by referring to the records; the names are as above—the number I cannot give at present, but will give it afterwards.

Is there not an action in *révocation* under the No. 1212, in which the said *William Lampson*, is Plaintiff, & the *Hudson's Bay Company*, Defendants?—Not that I know of.

Who is the Attorney for the said Defendants in the said action No. 1212, to the best of your knowledge and belief?—As I do not know of any such action, I cannot say who is the Attorney.

Have you ever had any conversation with the Attorney General on the subject of the said action?—Not knowing that any such action exists, I can have had no such conversation with the Attorney General on the subject.

Are there not such suits in which the Servants of the *Hudson's Bay Company* are Defendants, and *William Lampson* Plaintiff, and what are their names?—There is but one, I believe, in which the said Mr. *Lampson* is Plaintiff, and Mr. *Cowie* and *William Davies* are Defendants, both in the employ of the *Hudson's Bay Company*. It is an action *en révocation* for a quantity of Furs.

Have you had any conversation with the Attorney General in respect to that action, and what is the nature of it or of them?—I may have conversed with the Attorney General in respect to that action, but I decline stating the nature of said conversations, it having passed in my professional character as Counsel for the *Hudson's Bay Company* or the Parties themselves.

You are then Counsel conjointly with the Attorney General in the said Cause No. 1212 for the Defendants, the *Hudson's Bay Company*?—I am in that of *William Lampson* against *Cowie* and *Davies*—but only as Counsel; and I would not act in that Cause without the counsel and approbation of the Attorney General, unless the said Attorney was absent.

Have you any knowledge of a certain charge of perjury preferred against the said *William Lampson*?—I have.—The action before alluded to is an action *en révocation* brought by Mr. *Lampson* against the Defendants, as being in possession of certain Furs, the property of Mr. *Lampson*, who swore to the truth of the facts contained in the declaration in that Cause filed, in order to procure the writ of *saisie révocation*. In that Cause Mr. *Lampson* has been arrested on a charge of perjury for having falsely taken that affidavit, and is under bail to appear to answer the charge at the next Criminal Term.

Do you know who are the accusers, and who made the affidavits on which the said charge rests?—The prosecutors are Messrs. *Cowie* and *Davies*, the Defendants in the said Cause, and the *Hudson's Bay Company* to whom the Furs in question belong. I was the person who drew the affidavits, and I believe I may have taken the opinion of the Attorney General as to the requisites in point of form as public prosecutor. I framed the affidavit from the facts told me by the witnesses, and carried on the proceedings before the Magistrates. These affidavits were submitted to *John Davidson*, Esquire, a Justice of the Peace, who issued his warrants for the apprehension of said *William Lampson*.

Have you acted in concert with the said Attorney General in this measure?—In respect to the prosecution for perjury as far as the facts to support the prosecution I acted wholly alone; the Attorney General having stated that he would not be cognizant on that part of the subject. The only assistance I had from him was, I believe, my asking whether I was right on some questions of form. Did

Did not the said Attorney General authorise or recommend the measure, or did he ever know any thing of it?—The Attorney General knew that I was occupied in procuring the necessary facts, but he would not interfere, nor was he made acquainted with the facts previous to the warrant issuing. The prosecution originated at the earnest desire of the Parties themselves. The Attorney General may have said that if sufficient evidence to contradict Mr. *Lampson* existed, he might be prosecuted. I cannot speak specifically to his having recommended the measure. At any rate being Counsel for *Hudson's Bay* Company along with myself, any consultations on their interests I hold sacred, & therefore decline saying more.

Did Mr. *Davidson* make any difficulty about issuing his warrant?—As far as I recollect he made none.

Did the professional advisers of the *Hudson's Bay* Company, or of the persons in their employ, advise the prosecution of Mr. *Lampson* for perjury, as necessary for the protection of their interests against *Lampson*?—As I know nothing on this subject but in my professional character as Counsel and Attorney for the *Hudson's Bay* Company and for Mr. *Robt. Currie* and *William Davies*, I decline answering that question.

Did you give any answer to this question this morning, & what was it?—This question has not been asked me before, and therefore I have made no answer to it.

Tuesday, 22d March 1831.

Captain *Bayfield*, of the Royal Navy, called in, and examined:—

Have you been employed by Government in Surveying the River *St. Lawrence*?—Yes.

Do you know where the *Bergeronnes* are on the North side of the River *St. Lawrence*?—Yes.

Do you know the position of the Bay of *Mille Vaches*, and is it below the said *Bergeronnes*?—Yes, and it is below the *Bergeronnes*.

How far before the Lowest *Bergeronne* is the most Western extremity of the Bay of *Mille Vaches*?— $14\frac{1}{2}$ Nautical Miles.

What is the Breadth of the said Bay from the Western to the Eastern extremity?— $11\frac{1}{2}$ Nautical or Geographical miles.

What is the distance from the Eastern extremity of the Bay of *Mille Vaches* to the Trading Post, Church or House, situated in the River *Portneuf*?—4 Nautical or Geographical miles.

The Committee is desirous you should suppose a point in the centre of the Bay of *Mille Vaches* on Land, please to say whether by measuring a league and one half towards *Portneuf*, you would exceed the Limits of the said Bay to the Eastward?—By measuring one league and one half from what I conceive to be the centre of the Bay of *Mille Vaches* you would not exceed the limits of the said Bay to the Eastward.

Would or would not the said league and one half reach the said Trading Post, Church or House, at *Portneuf* occupied by the *Hudson's Bay* Company?—It would not.

Wednesday, 23d March 1831.

Captain *Bayfield*, Royal Navy, again appeared; and stated that he had caused the Survey of the Bay of *Mille Vaches* to be laid down expressly for the information of the Committee, and as there may be some difference of opinion as to what ought to be considered the centre of the said Bay, he lays before the Committee a trace Copy of the Bay, in order that they may form their own judgment upon this point;—he is of opinion that the centre of the Bay is a point on the shore equally distant from each of the extreme points.

APPENDIX.

[A.]

To the Honorable Knights, Citizens and Burgesses of *Lower Canada*, in Provincial Parliament assembled.

WILLIAM LAMPSON, of *Quebec*, Esquire, Merchant, by this his Petition, most humbly represents :

That your Petitioner is Lessee of that part of the Domain Lands of the Crown called the King's Posts, and of the exclusive trade with the Indians thereof, under a lease from the Crown.

That in consideration of the said Lease, your Petitioner pays an annual rent of £1,200 ; and that upon the faith of the promises therein contained, your Petitioner has invested a capital of about £40,000 in that branch of commerce.

That of late years a rich and powerful Association under the name of the Merchants Adventurers of England trading to Hudson's Bay, have, for the avowed purpose of trading in Peltries, secured the lease of a small strip of Land, called Mille-Vaches, of three leagues in front on the River St. Lawrence, by four in depth, conceded in Fief and Seigneurie by His Most Christian Majesty in the year 1653.

That this Fief and Seigneurie is bounded on all sides, except the front, by the said King's Posts.

That the said Fief and Seigneurie was so granted for the purpose not of trade but of settlement only, and that there is not a single settler on the said Fief and Seigneurie nor any habitation.

That the said Fief and Seigneurie is generally understood and believed not to contain animals of the chase, and that even if it did, Furs, the *bona fide* produce of so small a space of ground, could not, considering the outlays and expenses of the said Company, become any source of profit.

Yet that your Petitioner is informed the said Hudson's Bay Company have consented to pay a rent of about £300 for the Lease of the said Fief and Seigneurie, inasmuch as they have thus obtained the means of trespassing upon the limits of the King's Posts and of trading with the Indians, although the tenure upon which the said Seigneurie was granted confers no right so to do, and that the proprietors and inhabitants thereof, if any there were, are excluded therefrom in common with all the King's subjects.

That the said Hudson's Bay Company relying on the incapacity of any single individual to cope with them, and with the intention of ruining your Petitioner, in order to engross the whole trade, have openly violated the rights and privileges of your Petitioner guaranteed to your Petitioner by the said lease, and have seduced and demoralized the Indians by the distribution, (among other means,) of immoderate quantities of strong liquors, and that the said Hudson's Bay Company have possessed themselves of Furs, the *bona fide* property of your Petitioner, to an immense amount. That they have also committed actual violence on the Agents and Servants of your Petitioner and threatened to take their lives.

That with the view of occupying the River Portneuf, as being calculated to facilitate their excursions into the interior of the King's Posts, the said Hudson's Bay Company have exceeded the limits of the said Fief and Seigneurie, and have unlawfully appropriated to themselves a large and valuable tract of land, the property of the Crown, to which tract your Petitioner under his said lease is justly intitled.

That it is of incalculable importance to your Petitioner that he should enjoy the said tract, and that the said Hudson's Bay Company should be ejected, your Petitioner having found his profits diminished one half by the means of injuring him which the occupation of the said tract and River have afforded the said Hudson's Bay Company.

That it is the right of the Crown as well as the interest of your Petitioner to resume the said tract of Land, and a right which your Petitioner humbly submits, the Crown is bound to exercise, and which it is the duty of the Attorney General to assert by supporting the Lessee of the Crown.

That as a consequence of the aggressions of the Agents and Servants of the Hudson's Bay Company, collisions have taken place between the Servants of your Petitioner and those of the Hudson's Bay Company, which have led to several prosecutions as well on the criminal as on the civil side of the Court of King's Bench for the District of Quebec in which your Petitioner is interested.

That under an impartial administration of justice it would not be difficult to prove that these breaches of the Peace and other injuries were committed and excited by the arts and for the benefit of the said Hudson's Bay Company, and by the instrumentality of their Agents and Servants.

That your Petitioner having set forth the premises to enable your Honorable House fully to comprehend the causes which have led to this Petition, presumes to inform your Honorable House, that the private Counsel and Attorney of the said Hudson's Bay Company, is the Honor-

able James Stuart, His Majesty's Attorney General for this Province, and an Executive Councillor.

That in an action of *révendication* brought by your Petitioner in the Court of King's Bench under the No. 1212, against a partner and an agent of the said Company who took and converted to their own use a lot of furs of the value of £1,500, belonging to your Petitioner, the said Honorable James Stuart has appeared as the private Attorney for the Defendants.

That in another action *en réintégrande* under the No. 612, brought before the said Court by the said Hudson's Bay Company against your Petitioner, the said Attorney General appears as Attorney for the said Hudson's Bay Company the Plaintiffs. And that inasmuch as the said action *en réintégrande* relates to the above named valuable tract of Land belonging to the Crown, the said Attorney General has there lent his ministry to persons whose interests were and are adverse to the King's Government.

That actuated by a natural bias in favor of his clients, the said Attorney General has perverted the administration of justice, by preferring numerous frivolous indictments against the Agents and Servants of your Petitioner, by repeatedly causing them to be hurried away in custody from the several places at which they were stationed, and by lending himself to facilitate the escape of his Clients, (the aggressors,) when complaints were preferred against them on which he as Attorney General ought to have prosecuted them criminally with effect.

That the said Attorney General has even gone the length of appearing for the Defendants, a Partner and two Agents of the Hudson's Bay Company, in three several cases in which Our Sovereign Lord the King is Plaintiff, wherein the said Partner and two Agents or Servants had been condemned to pay three several fines for distributing liquors to Indians, and that he so appeared knowing that the Crown was interested in recovering a moiety of the said several penalties which the said several parties were condemned to pay.

That the Attorney General has abused his power as Attorney General, to favour the said Hudson's Bay Company, his clients, the commercial rivals of your Petitioner, to the great damage of your Petitioner ; and has deprived your Petitioner of that support from the Crown which your Petitioner had a right to expect, and that the Attorney General has acted in direct opposition to the interests of Government.

That your Petitioner having found it necessary to apply for relief on certain subjects growing out of the contest between your Petitioner and the said Hudson's Bay Company, to His Excellency the Governor in Chief, your Petitioner has found His Excellency disposed to do him justice to the full extent of His Excellency's power, a disposition of which your Petitioner has had frequent experience and in which he feels the most unbounded confidence.

But that the matters submitted to His Excellency were of a nature requiring the advice and interference of the Law Officers of the Crown, and that your Petitioner has been deprived of the benefit which he must have derived from the unbiased opinion and authority of His Majesty's Attorney General from the circumstances above related.

That your Petitioner has the more reason to complain of the position in which the said Attorney General has placed himself with respect to the Crown, in so much as of the Honorable Members of the Executive Council, (the Constitutional advisers of His Excellency,) one is a Partner of the said Hudson's Bay Company, and another the Agent of the Proprietors of Mille-Vaches.

Wherefore your Petitioner complains of the conduct of the said Attorney General, and prays that it may please your Honorable House to grant to your Petitioner the benefit of an investigation, that justice may be done in the premises as the wisdom of this Honorable House may prescribe.

And your Petitioner as in duty bound will ever pray.

WM. LAMPSON.

Quebec, 1st March, 1831.

[B.]

On this day the twenty sixth of July, in the year of our Lord one thousand eight hundred and twenty two, before us, the undersigned Notaries Public, duly admitted and sworn in and for the Province of Lower Canada, dwelling in the City of Quebec, in the said Province, personally came and appeared His Excellency George Earl of Dalhousie, Knight-Grand

General and Governor in Chief in and over the Province of Lower Canada, Vice Admiral of the same, &c. &c. &c. and John Goudie of the City of Quebec, Ship-builder, of the other part; which said parties in the presence of us the said Notaries have acknowledged, covenanted and agreed to and with each other in manner and form following: Whereas the lease heretofore granted to Simon McTavish, John Gregory, William McGillivray, Duncan McGillivray, William Hallowell and Roderick McKenzie, Esquires, of all those His Majesty's Domain Lands and Posts, situate and lying on the North side of the River St. Lawrence, in the Province of Lower Canada, commonly called and known by the name of the King's Posts, will expire and end on the first day of October one thousand eight hundred and twenty two; and whereas public notice was thereof given that the said premises with all and every the rights, privileges, implements, commodities and appurtenances thereunto belonging or which of right ought to belong, would be put up to public auction, by Mr. Lewis Aubert Thomas, at the Exchange Coffee House, in the City of Quebec, on Tuesday the second day of October then next ensuing, at one o'clock of the same day, and a lease thereof to take effect from and after the said first day of October, one thousand eight hundred and twenty two, for the term of years and upon the terms and conditions which would then be made known, and would be adjudged to the person who should bid the highest annual rent for the same, which said notice was issued by an advertisement from the Office of the Executive Council of the Province of Lower Canada, bearing date at Quebec the twenty fifth day of June of the year now last past; and whereas in pursuance to the said notice, the said tract of Domain Lands and premises above mentioned, being put up to public auction in the aforesaid City of Quebec, on the said first Tuesday of the month of October, in the year of our Lord one thousand eight hundred and twenty one, and the said John Goudie having then and there bid the highest annual rent therefor, to wit; the annual rent of one thousand two hundred pounds, current money of this Province, a lease of the said tract of the Domain Lands and premises above mentioned, for the term of twenty years, to take effect from the first day of October one thousand eight hundred and twenty two, upon the terms and conditions herein after mentioned, was then and there adjudged to the said John Goudie, according to the tenor of the said advertisement. Now know ye, that in consideration of the premises, and for divers good causes and considerations, His Excellency George Earl of Dalhousie hath granted and demised, and by these presents doth grant and demise for and on behalf of His Majesty, His Heirs and Successors, unto the said John Goudie, all that certain tract or parcel of the Domain Lands, situate, lying and being on the north side of the River Saint Lawrence, in the said Province of Lower Canada, commonly called and known by the name of the King's Posts, together with all and every the wharves and buildings thereon erected and being, and all and every the appurtenances, together also with the right of carrying on an exclusive trade with the Indians at and upon the said Domain Lands hereby demised, and an exclusive fishery or fisheries thereat; to have and to hold, enjoy and occupy the said tract or parcel of lands and premises hereby demised unto him the said John Goudie and his heirs, executors, curators, administrators and assigns, as the lessees now in possession do hold and enjoy the same, for and during the term of twenty years, from the second day of October next, to be fully completed and ended; he the said John Goudie, his heirs, executors, curators, administrators and assigns, rendering and paying therefor unto His Majesty, His Heirs and Successors, the yearly sum of one thousand two hundred pounds, current money of this Province, by equal half yearly payments to be made at the City of Quebec, in the said Province of Lower Canada, on the second day of April and on the second day of October, in every year during the continuation of this lease and demise, to the Receiver General of the Revenues in the said Province, or in case of his absence to the Governor, Lieutenant Governor or person administering the Government of the said Province for the time being, or to such person as he shall appoint to receive the same, whereof the first payment shall be made on the second day of April, which will be in the year of our Lord one thousand eight hundred and twenty three, subject, nevertheless, to the several provisos, conditions, restrictions, matters and things herein after mentioned and contained, that is to say: That the said John Goudie, his heirs, executors, curators, administrators and assigns shall and will well and truly pay all such sum and sums of money as shall or may in due course of law be found and adjudged to be due from His Majesty, His Heirs and Successors to the lessees at present in possession of the tract and premises hereby leased under and by virtue of the terms and conditions of the lease thereof to them made under the Great Seal of the Province, bearing date the fifth day of April, in the year of our Lord one thousand eight hundred and two; that the said John Goudie, his heirs, executors, curators, administrators or assigns shall and will well and truly pay or cause to be paid to the present lessees, their heirs, executors, curators, administrators or assigns, the sum of one thousand eight hundred pounds, current money of the Province of Lower Canada, in two equal payments, at the periods herein after mentioned, that is to say, the sum of nine hundred pounds, on the first day of October, which will be in the year of our Lord one thousand eight hundred and twenty three, and the remaining sum of nine hundred pounds on the first day of October, which will be in the year of our Lord one thousand eight hundred and twenty four. Provided always that the Indian debts due to the said present lessees or to their heirs, executors, curators, administrators or assigns, shall at the time of the expira-

tion of the present lease to the said lessees now in possession or to their heirs, executors, curators, administrators or assigns, be paid by him the said John Goudie, his heirs, executors, administrators or assigns to the said present lessees, their heirs, executors, administrators and assigns shall bear the same proportion to the quantum of Indian debts which shall then really and *bona fide* remain due to the said present lessees, their heirs, executors, administrators or assigns, as the said sum of eighteen hundred pounds to twenty one thousand eight hundred and sixty two and one half ester and beaver skins; and it is hereby expressly declared that the sum which shall be paid by the said John Goudie, his heirs, executors, administrators or assigns to the present lessees, their heirs, executors, administrators or assigns which is not however under any pretence whatsoever to exceed the sum of one thousand eight hundred pounds, shall be in like manner reimbursed to him the said John Goudie, his heirs, executors, administrators or assigns, in a reasonable time after the expiration of the present lease either by His Majesty, His Heirs and Successors, or by such person or persons as may then become lessees of the said tract and premises hereby demised; subject nevertheless to the following conditions, that is to say, that he the said John Goudie, his heirs, executors, administrators or assigns, shall and will at the expiration of the present lease assign and make over to His Majesty, His Heirs or Successors, or to such person or persons as may then become lessees of the said premises, as much Indian debts in number of ester or beaver skins which shall be then *bona fide* due and owing at the tract and premises hereby demised as shall be fully equal to the sum which shall be so as aforesaid paid by him the said John Goudie, his heirs, executors, curators, administrators or assigns under and by virtue of this clause of the present lease to the said lessees now in possession or to their heirs, executors, curators, administrators or assigns: that he the said John Goudie, his heirs, executors, curators, administrators or assigns shall and will well and truly purchase from the said late lessees at present in possession, their heirs, executors, curators, administrators or assigns not later than at the expiration of the said lease the fifth of April one thousand eight hundred and two, all the stock of goods, provisions, utensils and implements that shall be on hand and belonging to them, their heirs, executors, curators, administrators or assigns, and which shall be then on the said tract and premises hereby demised or at the said City of Quebec, and shall appertain to the said tract and premises hereby demised, not exceeding the extent and value paid by the present lessees to the former lessees in the year of our Lord one thousand eight hundred and two, for the goods, provisions, utensils and implements then on hand, the valuation of such goods, provisions, implements and utensils as aforesaid, to be calculated and ascertained upon the principle upon which the said present lessees so as aforesaid purchased from the predecessors in the aforesaid year of our Lord one thousand eight hundred and two; that he the said John Goudie, his heirs, executors, administrators or assigns, and his agents and servants shall not interrupt or molest the said present lessees, their heirs, executors, curators, administrators or assigns in any manner whatsoever in the trade and traffic which they shall lawfully carry on at the said tract and premises hereby demised under and by virtue of the said lease of the fifth day of April one thousand eight hundred and two, than supplying the Indians preparatory to the trade and traffic of the year one thousand eight hundred and twenty three, and shall not receive any returns of whatsoever description on or before the first day of October one thousand eight hundred and twenty two: that he the said John Goudie, his heirs, executors, curators, administrators or assigns shall and will quietly permit and suffer the agent and servants of His Majesty, His Heirs and Successors, and every person whomsoever who at the expiration of the present lease shall be a lessee of the tract and premises hereby demised or of any part thereof, to enter into the said tract and premises hereby demised or any part thereof, in the month of May which will be in the year of our Lord one thousand eight hundred and forty two, and in any and every subsequent month of the same year, for the purpose of providing for and administering to the necessities and comforts of the said Indians, as well as for facilitating the trade and traffic for the then ensuing year next, but not for the purpose of collecting or receiving any return from the Indians until after the day of the expiration of the present lease; that he the said John Goudie, his heirs, executors, administrators or assigns shall and will at his own proper and costs and charges, from time to time and at all times hereafter during the continuance of the present lease and demise when where and as often as need or occasion shall be or require and at his own proper costs and charges will and sufficiently repair uphold, maintain, amend, preserve and keep the said premises hereby demised and all the buildings, wharves, erections, walls, fences, gates and enclosures thereunto belonging in and by and with all and all manner of needful and necessary reparations and amendments whatsoever, and the same premises being in every respect so well and sufficiently repaired, amended and kept, and all and every forties and other buildings, wharves, erection, walls, fences, gates and enclosures which he shall or may erect or build on the premises hereby leased and demised, or upon any other part thereof, shall and will at the expiration of the lease peaceably and quietly leave, surrender and yield up unto His Majesty, His Heirs and Successors, without any diminution or deterioration whatsoever, and without any compensation or indemnification whatsoever for them or any of them or any part of them from His Majesty, His Heirs or Successors or otherwise howsoever.

And

And His Excellency George Earl Dalhousie, did aforesaid, confirm and assure to him the said John Goudie, his heirs, executors, administrators and assigns, that he, they and every of them well and truly keeping and performing all and every condition in this lease and demise reserved and contained, shall have, possess and enjoy the said tract and premises hereby demised in the manner and for the term and purposes above mentioned, free from all intrusion, hindrance and molestation by any other trader or traders whomsoever on the said premises, and particularly from any person or persons who may reside and live at Malbay; and the said John Goudie doth by these presents for himself, his heirs, executors, administrators, or assigns, covenant, promise, grant and agree that he the said John Goudie, and his heirs, executors, administrators or assigns shall and will from time to time and at all times during the term hereby granted well and truly pay or cause to be paid in the manner aforesaid, the said rent or sum of one thousand two hundred pounds current money of this Province a year and every year during the said lease on the days or at the time herein before limited or appointed for the payment of the same, and shall and will from time to time and at all times hereafter well and truly observe, perform, fulfil, execute and keep all and singular the covenants, conditions, clauses, obligations, articles and agreements whatsoever in the present lease written and contained, and which on the part of the said John Goudie, and his heirs, executors, administrators or assigns are or ought to be observed, performed, fulfilled, executed and kept, according to the true intent and meaning of the present lease: and for the performance and accomplishment of all which, the said John Goudie doth bind and oblige himself; and for the due execution hereof the said lessee hath made election of his domicile at his place of abode in this City of Quebec. Thus done and passed at Quebec aforesaid, the day and year first before written. In witness whereof His said Excellency George Earl of Dalhousie, and the said John Goudie, have hereunto set their hands, these presents being first duly read according to Law.

Signed on the original

DALHOUSIE,

Governor.

C. Huot.

Not. Pub.

John Goudie,

Arch. Campbell,

Not. Pub.

As appears by the same remaining of record in my office.

Arch. Campbell,

His Majesty's Notary

and Noty Public

[C.]

SCHEDULE of papers asked for by the House of Assembly in their Address of the 16th March 1831.

Year	Number	Description
1823.	1	
April 18.		Attorney and Advocate General, Report as to whether the Post of Portneuf is comprised within the King's Posts.
1830.	2	
Nov. 20.		Petition of the Hudson's Bay Company, Prays for a Licence to vend spirituous Liquors to the Indians.
	3	
25.		Attorney General, Reports on the above mentioned Petition.
	4	
Decr. 21.		Petition of William Lampson, Prays that his case respecting the boundary of the Seignior of Mille Vaches may be considered, and for relief.
	5	
22.		William Lampson, Sketch of Account of the King's Domain Lands generally known by the name of the King's Posts.
	6	
23.		Letter from the Civil Secretary to the Atty. General, On the subject of W. Lampson's Petition of the 21st Decr. 1830
	7	
24.		Atty. Gen. to Civil Secy. Answer to the above.

Decr. 20.		Civil Secy. to Atty. General, Requests him to take the necessary steps relative to establishing the Boundaries of Mille Vaches, in concert with the Advocate.
	9	
29.		Civil Secy. to Advocate General, Encloses copy of the above letter to the Atty. Genl. and directs him to communicate with that officer on the subject to which it relates.
	10	
30.		Atty. Genl. to Civil Secy. Relative to the Advocate General being associated with him to conduct the suit <i>en bornage</i> of Mille Vaches.
	11	
		Civil Secy. to Atty. General, In answer to the proceeding.
	12	
31.		Atty. Genl. to Civil Secy. Declares his readiness to act in conjunction with the Advocate General in the suit <i>en bornage</i> of Mille vaches.
1831.	13	
Jany. 6.		Civil Secy. to Advocate General, Directs him to communicate with the Attorney General relative to the boundary of the Seignior of Mille vaches.
	14	
31.		Atty. Genl. to Civil Secy. Requests that the Inspector General of the King's Domain be directed to furnish him with such documents as he may possess relative to the Seignior of Mille vaches.
	15	
Febry. 10.		Civil Secy. to Atty. and Advocate General, Directs them to make a joint weekly report of the progress of the suit <i>en bornage</i> of Mille vaches.
	16	
11.		Atty. Genl. to Civil Secy. Relative to his request to be furnished with all papers in the office of the Inspr. General of King's Domain relating to Seignior of Mille vaches.
	17	
12.		Attorney General, Reports what progress has been made in the suit <i>en bornage</i> of Mille vaches, with enclosures Nos 1, 2 and 3.
	18	
Febry. 12.		Civil Secy. to Attorney and Advocate General, Refers the Petition of the proprietors of the Seignior of Mille vaches, accompanied with a proces verbal of survey of that Seignior.
	19	
12.		Civil Secy. to Atty Genl. Authorizes him to call upon the head of any public department for such papers as he may require relative to the suit <i>en bornage</i> of Mille vaches.
	20	
12.		Civil Secy. to Advocate General, Transmits him a copy of the above.
	21	
14.		Atty. General to Civil Secy. Explains how it happened that the report he made relative to the suit <i>en bornage</i> of Mille vaches was not made conjointly with the Advocate General, as required by instructions given; with one enclosure.
	22	
14.		Atty. Genl. to Civil Secy. Reports on the reference made to him of the Petition of the Proprietors at the Seignior of Mille vaches, relative to the Action <i>en bornage</i> of that Seignior.
	23	
15.		Civil Secy. to Atty. General, Directs him to proceed with the suit <i>en bornage</i> of Mille vaches without loss of time.
	24	
		Civil Secy. to Advocate General, Enquires why he did not sign the joint report of progress in the suit <i>en bornage</i> of Mille vaches agreeably to instructions.

25	July 19. Advocate General to Civil Sec'y.	Says his reason for not signing the Attorney General's report of progress in the suit <i>en bornage</i> of <i>Mille vaches</i> with one closure.
26	19. Atty. Genl. to Civil Sec'y.	States that he will report his opinion on the Petition of the proprietors of the Seigniorie of <i>Mille vaches</i> when he returns from Montreal.
27	— Advocate General to Civil Sec'y	Reports on the above mentioned Petition.
28	— Attorney General,	Reports progress in the suit <i>en bornage</i> of <i>Mille vaches</i> .
29	— Advocate General,	do. do. do.
30	26. Advocate General,	do. do. do.

J. B. GLEGG, Secy.

No. 1:

QUEBEC, 18th April 1823.

(Copy.)

SIR,

In obedience to the commands of His Excellency the Governor in Chief, to us signified by order of reference of the 8th Instant, inclosing a letter from Mr. Vallières, the legal Agent of Mr. Goudie, Lessee of the King's Posts, claiming possession of the Post of Portneuf as thereunto belonging; with instructions to report whether that Post belongs to that part of His Majesty's Domain which is leased to Mr. Goudie, under the denomination of the King's Posts, we have procured all the information which it is possible to collect on the subject, and now report our opinion for the consideration of His Excellency the Governor in Chief.

On reference to Mr. Goudie's Lease bearing date the 26th July 1822, made out and executed by the King's Notary, the extent of the King's Posts are mentioned in vague and general terms, viz:—"all those His Majesty's Domain Lands and Posts situate and lying on the North side of the River St. Lawrence in the Province of Lower Canada, commonly called and known by the name of the King's Posts," this description was taken by the Notary from the conditions inserted in the Quebec Gazette by order of the Executive Council, and on a reference to the Lease made on 5th April 1802, the like description will be found. From this imperfect description it became necessary to enquire whether in the Surveyor General's Office any better or sufficient description and exact limits could be found or pointed out, but after enquiring from the Surveyor General personally, no exact limits could be given by him nor could any be pointed out, we therefore referred to a Typographical Map of the Province drawn by Vondenvelden and Charland, Land Surveyors, by order of His Majesty's Provincial Government, under the directions of the late Samuel Holland, Esquire, Surveyor General of the Province, by which Map it appears that the King's Posts consist of the Lands, part of which were known under the French Government by the denominations of the Tadousac (1 vol. *Edits*. p. 63,) with several additions which seem to have been since made to them, as it would appear by this Map and would comprise all that extent between Black River and *les Cap des Cormorans*, excepting *Mille Vaches*, and such other tracts pointed out as conceded; the old Lessees being possessed as of their own property of the Seigniorie or Fief called *Mille Vaches*, it became necessary to ascertain where it lay and what it consisted of; we therefore resorted to the original grant of that Fief conceded by Monsieur de Lauzon, Governor, to Robert Giffard, on the 2d July 1670, wherein the extent of the Fief is limited and described as follows:—"Trois lieues de front sur le fleuve St. Laurent du côté du Nord au dessous de Tadousac et des grandes et petites Bergeronnes, au lieu dit *Mille Vaches*, avec quatre lieues de profondeur tenant par devant sur le dit fleuve et des autres côtés aux terres non concédées" The like limits are given in a *foi et hommage* tendered on the 28th May 1781 by Thomas Durn and William Grant, Esquires, as proprietors of that Fief; this

description is well explained, and will be understood by referring to the Map by which it would appear the limits of *Mille Vaches* were fixed. On enquiry however at the Surveyor General's Office, it does not appear that any survey or *bornage* has ever taken place, or any *procès verbal* dividing this Fief from the unconceded lands of the Crown; the Post of Portneuf now demanded by Mr. Goudie, is, as it appears by the Map, at some distance below *Mille Vaches* and a portion of the King's Posts as it strikes us, being within the limits above stated. It will also appear on reference to the Ordinance made by Hocquart, Intendant for the limits of the King's Domain in May 1733, (2 vol. *Edits*. p. 87,) what was comprised within the limits of the King's Domain before the conquest, and although the names of places and Posts have since changed, it is easy to identify the old limits.

From all the information by us collected on the present subject, we are of opinion that the Post of Portneuf belongs to that part of His Majesty's Domain which is leased to Mr. Goudie, under the denomination of the King's Posts.

We have, &c. &c. &c.

(Signed.) N. F. UNIACKE,
Attorney General.

GEO. VANFELSON,
Advocate General.

A. W. Cochran, Esqr.
Civil Secretary.

True Copy.

J. B. GLEGG,
Secretary.

No. 2.

Copy.

To His Excellency Lord Aylmer, K. C. B. Lieutenant General and Commander in Chief of all His Majesty's Forces in the Provinces of Lower and Upper Canada, &c. &c. &c. and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

The Humble Petition of the Hudson's Bay Company.

Respectfully represents,

That Your Petitioners are Lessees of the Seigniorie of *Mille Vaches* in the District of Quebec, under a lease from the proprietors thereof granted in the year 1822, with an exclusive right of trading with the Indians within its limits, and carry on their trade with the Indians there at the Post of Portneuf situated within the said Seigniorie.

That Your Petitioners as a Commercial Company more particularly engaged in the Fur Trade, and having establishments at Portneuf and other places within this Province for the purpose of carrying it on, in the course of their transactions and intercourse with the Indians have, by their Agents and Servants, necessarily been the channel by which Rum and other Spirituous Liquors have come into their hands.

That it never entered into the contemplation of Your Petitioners that such a circumstance could be considered as illegal, nor do they conceive that they have in any manner offended the Laws in this particular. But Mr. William Lampson, the present Lessee of the King's Posts, having lately attempted by every means in his power to drive the Hudson's Bay Company from the possession of the Post of Portneuf and the Seigniorie of *Mille Vaches* for his own private purposes, has, by the means of one George Linton, laid Informations against Robert Cowie, William Davis and Elie Boucher, three of the Agents and Servants of your Petitioners, (founded upon the Ordinance 17 Geo. III. cap. 7, made to prevent the selling of strong Liquors to the Indians without Licence from the Governor, &c. of the Province of Quebec,) for selling and distributing Liquors to Indians at Portneuf aforesaid; and although Your Petitioners are fully convinced that the said Ordinance was never intended to apply to trading Companies having a right to traffic with the Indians.

U

dians, and although it is apparent that these proceedings are vexatious and carried on for the purpose of private gain, without any view to the interests of the public.

Yet Your Petitioners, for greater security in preventing the vexatious and oppressive application of the said Ordinance for the past and guarding against the same misapplication of it to their future dealings and intercourse with the Indians, are desirous of obtaining for themselves and their aforesaid Agents and Servants a pardon for any acts of this nature done in past time, and full authority to them for the future to distribute Liquors to the Indians, without which they could not carry on their lawful trade.

Wherefore Your Petitioners humbly pray that Your Excellency will be graciously pleased to grant to Your Petitioners, their Agents and Servants, and particularly to the said Robert Cowie, William Davis and Elie Boucher, His Majesty's free pardon for all offences of the like nature for the past, (always excepting any right that may be found to have accrued to the said George Linton in the penalties sued for.) and that Your Excellency will also be graciously pleased to grant to the said Hudson's Bay Company, their Agents and Servants, a Licence to distribute Spirituous Liquors to Indians within the Seigniorship of Mille Vaches and at all other Posts and Places occupied by the said Company for the purposes of trade within this Province.

Quebec, 20th November 1830:

And Your Petitioners shall ever pray, &c.

(Signed,) JAMES MCKENZIE,
Agent for the Hudson's Bay Company.

A True Copy.

J. B. GLEGG,
Secretary.

No. 3.

Quebec, 25th November 1830.

SIR,

I have been honored with the Commands of His Excellency Lord Aylmer, transmitting a Petition from the Hudson's Bay Company, in which they pray that a Licence may be granted to them, their Agents and Servants, to distribute Spirituous Liquors to Indians within the Seigniorship of Mille Vaches, and at all other Posts and places occupied by the said Company, for the purpose of trade, within this Province; and requiring me to state for His Excellency's information, whether he is empowered by the Laws now, in force to grant the Licence prayed for, and whether it is expedient that said prayer should be granted.

In obedience to His Excellency's Commands, I have perused the Petition which His Excellency has been pleased to refer to me, and have the honor to state, that this Petition has evidently been preferred, in consequence of the opinion entertained by the Agent of the Hudson's Bay Company, that the provisions of the Provincial Ordinance, 17th Geo. 3rd. Cap. 7, prohibiting the sale of strong Liquors to Indians without Licence, are still in force, and applicable to that Company: But this opinion is erroneous. The Provisions referred to, by a subsequent Provincial Ordinance, (31, Geo. 3rd. Cap. 1,) have been repealed as to all traders, except those of a fixed residence, in a settled part of the Province, who are required to have a Licence for keeping a House of Public Entertainment. They are, therefore, inapplicable to the dealings of the Hudson's Bay Company in the Seigniorship of Mille Vaches, and neither the Pardon, nor the Licence applied for, is necessary.

I have the honor to be,
Sir

Your most obedient humble Servant,
(Signed,) J. STUART,
Lt. Colonel Glegg, Attorney General.
Secretary, &c., &c., &c.

True Copy,

J. B. GLEGG,
Secretary.

No. 4.

To His Excellency Matthew Lord Aylmer, Knight Commander of the most Honorable Military Order of the Bath, Lieutenant General and Commander of His Majesty's Forces in the Province of Lower Canada and Upper Canada, Nova Scotia, New-Brunswick and their several dependencies, and Administrator of the Government of the said Province of Lower Canada, &c., &c., &c.

The Humble Petition of William Lampson, Esquire, of the City of Quebec, respectfully sheweth.

May it please your Excellency:—

That from the first day of April one thousand and eight hundred and twenty eight, Your Petitioner has been the sub-lessee of His Majesty's Domain Lands known by the name of the King's Posts, and as such acknowledged by His Majesty's Government, to whom your Petitioner has paid semi-annually the rent stipulated by the lease entered into by the late Governor in Chief, for and in behalf of His Majesty, with the late John Goudie, Esquire: a Copy of which lease is herewith submitted.

That from the commencement of this lease, and ever since your Petitioner has held the same, he has, on many occasions, and by various means, been interrupted in the quiet enjoyment and peaceable possession of the said Domain Lands, to which is attached the exclusive right of trading with the Indians; that the evil arising from such interruption is so detrimental to the King's Posts and injurious to your Petitioner as sub-lessee thereof, that he can no longer forbear bringing the matter under the consideration of His Majesty's Government; your Petitioner indulging a hope, that the Crown, whose interest is closely connected with that of the Lessee of the King's Posts, will support and protect him in the exclusive trade with the Indians, according to his Lease. To enable Your Excellency the more easily to understand the case, your Petitioner begs leave most respectfully to lay before Your Excellency, a short sketch or account of the King's Domain Lands, as a Post of exclusive trade, from the very first establishment.

The first point submitted by your Petitioner to the consideration of Your Excellency, is the absolute and immediate necessity of causing a Survey of the Seigniorship of Mille Vaches to be had; this Seigniorship was granted in the year 1653 to an individual of the name of Giffard, as appears by a certified copy of the grant, herewith submitted. The grant is of the extent of three leagues in front, on the River St. Lawrence, and four leagues in depth below Tadoussac, and the great and little Bergeronnes at the place called Mille Vaches, (a Bay of that name within the King's Posts) on reference to the grant, it will be seen that it is the usual and ordinary grant made in the Colony before the conquest, for the purpose of agricultural settlement. This tract of land however was never settled, but left in a state of nature, and having never been surveyed by order of Government nor with its assent, and no boundaries set to divide it from the Domain Lands, the proprietors of Mille Vaches and their Lessees have from time to time as it suited their convenience, encroached upon the Domain Lands, and have not only extended the front of that Seigniorship to nearly five leagues, but have even gone the length of changing the site or front of Mille Vaches, so as to take in a River called Portneuf, (an inlet into the interior.) On the Bank of this River, they have established a Trading Post, whence they systematically carry on a traffic with the Indians of the King's Posts, injurious to the rights of the Crown and to the prejudice of your Petitioner, who holds that exclusive right of trade by his Lease.

That owing to the want of metes and bounds between Mille Vaches and the Domain Lands, your Petitioner's Agents and Servants, and those of the Lessees of Mille Vaches residing at Portneuf, have had frequent disputes and altercations on the subject of the limits of Mille Vaches, which have even led to breaches of the Peace, and this circumstance alone makes it important to all concerned, that the lines should be drawn and boundaries set, to prevent similar occurrences in future, in a place so remote. That no Justice of the Peace or other Peace Officers can be referred to. (Next to the question of *bornage*. Your Petitioner presumes to call Your Excellency's attention to another matter also of importance, for the legal exercise of the rights of the Lessee of the King's Posts. Previous to the Lease granted by the late Governor in Chief to John Goudie, in 1822, such Leases were made and granted by Letters Patent under the Great Seal, as your Petitioner is advised ought to have been done in the present instance; however for some reason for which your Petitioner cannot account, the Lease executed in favor of the late John Goudie, instead of being by Letters Patent under the

the Great Seal, is a simple Notarial Act, which although sufficient of itself to pledge the faith and honor of His Majesty's Government, is not in Law a document of such authority or validity as would ensure success to your Petitioner, were he to institute legal proceedings against third persons, who might molest him or intrude on his rights, as the Lessee of the Crown.

It is therefore a matter of moment to him that Letters Patent should without delay issue under the Great Seal, for the rest and residue of the term of his Lease, on the same conditions as those stipulated in the Lease recorded by the King's Notary, and to this subject, your Petitioner most respectfully solicits Your Excellency's immediate orders and directions.

That at the same time your Petitioner brings under the consideration of Your Excellency's notice the necessity of ordering Letters Patent to issue as above, he also takes the liberty of praying that a Proclamation in the usual and ordinary form may issue, strictly enjoining and forbidding all persons (those authorized by the Lessee of the King's Posts only excepted,) from trading with the Indians of the King's Posts; such a Proclamation issued by the late Governor in Chief in March 1823, and another by the Administrator of the Government of the Province in August 1815.

From the disturbances that have lately taken place, within the King's Domain Lands, between the Servants of the Lessee and the people of Portneuf, and others who have at various times made incursions into the interior, this Proclamation would be calculated to afford your Petitioner that support from the Crown which he has a right to expect, and prevent a recurrence of excesses which have taken place.

That the subject which your Petitioner craves lastly to bring under the notice of Your Excellency, is one of vast importance to the just rights of the Crown, and worthy of the most serious consideration. An action has lately been instituted by the Hudson's Bay Company as Lessees of Mille Vaches, by the ministry of the Attorney General, against your Petitioner and his Servants, for supposed trespasses near the River Portneuf, (the site in dispute,) to which, both the Hudson's Bay Company and your Petitioner, as Lessee of the King's Posts, lay claim. A copy of the Writ and Declaration served on your Petitioner is herewith submitted, and your Petitioner, at the same time, prays most humbly for the interference of the Crown, to afford him the necessary assistance to defend the said action.

The result of this action must be of the utmost importance to the Crown, in this particular, that an extensive tract of valuable land will be wrested from the Crown without title, should the Lessees of Mille Vaches, countenanced by the Attorney General, succeed in the said action.

Again, if they retain possession of the River Portneuf, and the Post established on the bank of that River, there is an end to the exclusive trade with the Indians of the King's Posts, the River Portneuf being an inlet into the interior, through which all the Indians of the King's Domain can be enticed away from the Lessee, without any possibility of preventing the evil, the country round being a complete wilderness, over which, it is impossible at all times to watch. Under these circumstances, the large sum received by His Majesty's Government annually, and the advances and comforts to the Indians, for whom the Lessee of the King's Posts is bound to provide, can no longer be expected.

That your Petitioner, in laying his claims before your Excellency for mature consideration, cannot pass over in silence, but must be permitted to express his regret, that the leading Crown Officer (the Attorney General,) should be found zealously engaged in advocating an interest so adverse to the true interest of the Crown, as that set up by the owners of Mille Vaches, and their Lessees; and that your Excellency will therefore give mature consideration, to whom this Petition is to be referred, to afford such relief and impartial justice, as your Petitioner is so justly entitled to.

Wherefore your Petitioner humbly prays that your Excellency will be pleased to take the premises in your immediate and most serious consideration, and thereupon grant your Petitioner the relief prayed for.

And as in duty bound your Petitioner will ever pray.

Quebec, 21st December, 1830.

(Signed) WM. LAMPSON,

True Copy,

J. B. GLEGG, Secretary.

The Lessee of the King's Posts, in explanation of his Petition and with a view that it may be easily understood, deems it advisable to subjoin a short sketch or account of the King's Domain Lands, generally known by the name of the King's Posts:

To render the subject, in the outset, plain, he begs leave in the first place, to refer to the maps made out by Sax, Land Surveyor, in the year 1828 or 1829, for the purpose of conveying information to the Members of the Assembly when engaged on the Internal Communications and Improvement of the Province. On perusing this map, it will be seen how stands the Bay of Mille Vaches, what spot allotted for the Seigniorship of that name, and from the scale on the map itself the exact distance from Bay of Mille Vaches to the River Portneuf, can be ascertained; this process will at once prove how stands the frivolous and unfounded pretensions of the owners and lessees of Mille Vaches, who lay claim to the River Portneuf and the Post established on the Bank of the River. It may be right here to observe, that Sax's map is a diminution taken from an old map of the Province made out some fifty years ago, by two land-surveyors of high repute in the Colony, (Vondenvelden and Charland,) under the directions of the late Major Holland, Surveyor General. The latter map will more clearly shew the place designated for Mille Vaches embracing the Bay of that name, and exhibits the space or distance from that to the Post of Portneuf including the River; these maps are the only Documents that can be referred to, as made since the conquest, (1759,) the Survey and Map made before the conquest of the King's Domain Lands, (1773) having been destroyed: therefore, as to the geographical or local situation of the premises no other map or plans can be referred to.

The King's Posts or Domain Lands embrace all that extensive tract situated on the north shore of the River St. Lawrence, between the Seigniorship of *Les Eboulemens* and the Point, or *Cap des Cormorans*, making a front of about two hundred and eighty five miles, extending in depth in various directions, and at one point until it reaches Hudson's Bay. The description and exact limits of these valuable lands of the Crown are given in the *Ordonnance "pour les limites du Domaine,"* made by authority of the French Government in 1733, (2 vol. of *Edits*, page 87.) This *Ordonnance* was made by order of Government at the request of M. Carlier, Lessee of the Domain Lands, after a regular and minute survey taken.

When this Survey was taken, and the *Ordonnance* in question made, it was with a view to inform the public of the true limits of the Domain Lands, and of the peculiar and exclusive right of trade or traffic attached to them to afford the Lessee relief against intruders who had shortly before encroached on his privilege, and to assure him the free and uninterrupted enjoyment of that *exclusive privilege*, and for that it was, that the *Ordonnance* of 1733, after giving an accurate and formal description of the Domain Lands with their limits, proceeds by explaining in what the rights of the Lessee consist, and thus the *Ordonnance* concludes:

"Faisons defences à toutes personnes de quelque qualité et condition qu'elles soient, tant les marchands et habitants de la Colonie que les capitaines et maîtres de charois, barques, batteaux et navires, gens de leur équipage et passagers et à tous autres généralement quelconques, même aux sauvages étrangers non habitués dans les Terres du Domaine, de traiter, chasser, pêcher, ni faire aucun commerce, sous quelque prétexte que ce puisse être, directement ni indirectement, soit par eux-mêmes ou en envoyant des marchandises, vivres, boissons et munitions par des sauvages affidés dans toute l'étendue des pays désignés par notre présente Ordonnance, et généralement dans aucunes rivières et lacs qui prennent leur course en la rivière du Saguenay et la rivière Moïsy, encore qu'ils ne soient nommément exprimés dans notre dite Ordonnance, faire festin aux Sauvages habitués dans la dite étendue de pays, ni le détourner en aucune manière, même d'approcher des limites ci-dessus marquées dans les terres plus près de dix lieues pour y faire la traite avec les Sauvages ou autres établissements sans la commission expresse et par écrit du dit Carlier, ses successeurs fermiers, leurs procureurs, commis et préposés, à peine de confiscation des armes chape, marchandises de traite, pelleteries et effets, traités, canots, chaloupes, barques, charois, batteaux et autres bâtimens généralement quelconques, et de la somme de deux mille livres d'amende qui ne pourra être remise ni modérée sous aucun prétexte."

On reading the *Ordonnance* itself, we acquire at once a full and correct account of Domain Lands, and the exclusive trade attached to them.

After

As a necessary consequence of the policy which was the mind of every important and disinterested man, that the policy of the French Government was to secure to itself and the King's lessee, exclusive trade with the Indians, and that it never entered into the mind of any (The Hudson's Bay Company only excepted,) that competition could be allowed in the exercise of such a right, and for that it is, that in framing and promulgating the "*Ordonnance des terres du Domaine*," no notice whatever is taken of the grant or concession of 1653 for Mille Vaches; if the French Government had ever intended to convey such a right to the grantee of Mille Vaches, it would have been mentioned in the deed if such had been the French King's intention, the necessary exception or reservation in their favor, would have been included in the *Ordonnance* of 1733, if it had ever been considered a right attached to Mille Vaches to assume the exercise of such a right within the three leagues upon four, which they hold for the purpose of Agricultural Settlement alone, no doubt such a reservation would have been made in the old *Ordonnance*, and in the several leases granted by the Crown for the King's Posts. Let the several leases executed as well before as since the conquest be referred to, and no such reservation will be found for Mille Vaches,—for the best of reasons, the exclusive right of trade or traffic with the Indians, is an entire thing,—allow competition to Mille Vaches, or to any one else, and there is an end to the privilege itself.

On looking farther back, in reference to the King's Domain and the exclusive right of trade attached to it, it will appear (vol. 1 *Edits*, page 96,) that *M. Nicolas Oudiette, fermier de la Traite de Tadoussac à l'exclusion de tous autres*, having in 1676 remonstrated in relations to intrusions in the King's Domain, to his prejudice, His most Christian Majesty commanded the Intendant as follows:

"Le Sieur Duchefneau tiendra la main, que la défense soit exécutée; et que ceux qui y contre viendront soient feuement punis de la peine portée par l'Ordonnance." By an *Arrêt du Conseil d'Etat du Roi* of the year 1666, (1 vol. *Edits*, page 43,) the exclusive right to trade in the King's Posts, then called *la Traite de Tadoussac*, is granted to the *Compagnie des Indes Occidentales*. Thus much to prove that prior to the Conquest, and from the very first establishment of the King's Posts, the right of traffic with the Indians was an exclusive privilege belonged to and reserved by the King.

We next proceed to shew, that since the Crown of Great Britain rules over the Colony, the same policy has prevailed, and that having succeeded to the rights of the King of France under the Treaty of 1763, the King's Posts have from the period of the Conquest to the present time, been from time to time granted for a term of twenty years, with the exclusive right of trade or traffic with the Indians; the evidence of this fact appears by the lease to Goudie in 1822, by the lease to Simon McGillivray and others in 1802, by a lease granted by Government in 1786, and a former lease given about the year 1766, but a few years after the conquest; so many repeated acts on the part of both Governments, the right of exclusive trade and the exercise of that right by the Crown cannot be doubted or susceptible of any difficulty, can for an instant be imagined that at any period the Crown of France before the Conquest, or Great Britain since, had lost sight of the Grant of Mille Vaches of 1653, when but a few years after (in 1666,) this exclusive trade is granted by the French King to the "*Compagnie des Indes Occidentales*;" when, again, in 1776, on the remonstrances of the King's Lessee, (Nicholas Oudiette,) the Crown afford immediate relief, when, *in fine*, in 1733, such salutary provisions are made to secure the King's Lessee, (Le Sieur Carlier,) in the unmolested enjoyment of that right, when but a few years after the Conquest, (in 1768) by Proclamation issued by the Honorable Guy Carleton, Governor of the Province, under a Special Order from the King and his Privy Council, efficient steps are taken to keep this exclusive right free and unmolested, when by a series of leases from the Crown since the Conquest, that exclusive trade is granted to the King's Lessee for a valuable consideration.

No, at all times the Crown was satisfied, the grant of Mille-Vaches had been made for Agricultural Settlement, and for no other purpose, that the assumption to trade with the Indians of the King's Posts, on the part of the owners of Mille-Vaches or their Lessees, was on their part a mere visionary dream, a frivolous pretension unfounded both in law and in reason; for, again, and to conclude, the right in question is the exclusive trade; how therefore can that right ever be enjoyed or exercised by two rival Companies?

This subject was never brought under the consideration of His Majesty's Government before now, from obvious reasons, before the pending of the present Lease, the Lessees of the King's Posts were either Lessees of Mille-Vaches at the same time, or owners

of that Seignior, and holding both, excluded all questions of adverse Interest. This accounts a fo, why a Survey of Mille Vaches was never called for, how it happens that encroachments unnoticed, have taken place on the Domain Lands to the prejudice of the Crown, and by what means the Post of Portneuf has been established and lately set up, in direct violation of His Majesty's rights, and to the prejudice of the Lessee of the Domain Lands.

The whole very respectfully submitted by

(Signed,) W. M. LAMPSON,

Quebec, 22d December 1830.

True Copy.

J. B. GLEGG,
Sec'y.

No. 6.

opy.

CASTLE ST. LEWIS,

Quebec, 23rd December, 1830.

SIR,

I have received the Commands of His Excellency the Administrator of the Government, to acquaint you that he has received a Petition from William Lampson, Esquire, in which it is stated he is engaged in a Law-Suit respecting the Boundary of the Seignior of Mille Vaches, adjoining the Territory of the King's Posts, of which he is the Lessee, in which Law-suit, as he states, the interests of the Crown are identified with his own.

His Lordship desires me to observe, that he would naturally have referred this Petition to you, for your opinion, in regard to certain questions of Law which it involves, but Mr. Lampson having stated that you are retained as Counsel to the party opposed to him in this Cause, His Lordship before referring to you the Petition in question, requests to be informed whether the assertion of Mr. Lampson, of your being retained by the opposite party, is correct, and whether in your opinion, the interests of the Crown are identified with those of Mr. Lampson, as stated by him in his Petition.

I have the honor to be,
&c. &c.

(Signed,) J. B. GLEGG, Secy.

A true copy.

J. B. GLEGG, Secy.

Honble. J. Stuart,
Attorney General.

No. 7.

Copy.

Quebec, 24th December, 1830.

SIR,

I have been honored with the Commands of His Excellency the Administrator of the Government, signified in your Letter of the 23d instant, in which his Lordship refers to a Petition from Mr. Lampson, wherein it is stated, that he is engaged in a Law suit respecting the Boundary of the Seignior of "Mille Vaches,"

in

in which law-suit, as he states, the interests of the Crown are identified with his own, and wherein it is also stated, that I am retained as Counsel by the party opposed to him. Whereupon His Lordship has been pleased to require me to report, for his information, whether the assertion of Mr. Lampson, of my being retained by the opposing Party is correct, and whether the interests of the Crown are identified with those of Mr. Lampson, as stated by him in his Petition.

In obedience to His Lordship's Commands, I have the honor to state, that the duty of the office of Attorney General, which I have the honor of holding, necessarily precludes me from taking any retainer to support the interests of individuals in opposition to, or inconsistent with, those of the Crown; and I have not, therefore, become, nor could be retained by any party adverse to Mr. Lampson, to oppose or question interests in him, which are identified with those of the Crown. The case to which Mr. Lampson, I presume, refers, and which it has been erroneously supposed by him, furnishes ground for his assertion, is a possessory action, (called in the French Law an action "*de Réintégration*," being the "*Interdictum unde vi*" of the Roman Law,) recently brought by me, for the Hudson's Bay Company, against Mr. Lampson and his Servants, for having with force and arms, entered upon a piece of land which then was, and during a long period previously had been, in the peaceable possession of the Hudson's Bay Company, as Lessees of the Seigniorship of "Mille Vaches," for having expelled therefrom the Servants of that Company; for having commenced the erection of, and erected, a house, buildings and fence thereon, and for having since forcibly retained possession thereof, &c. This action turns *exclusively* on the alleged fact of possession, in the Hudson's Bay Company, at the time of the trespass complained of, without reference to boundaries, or right of property. In this action the boundaries between "Mille Vaches" and the adjoining Waste Lands of the Crown, of which Mr. Lampson is Lessee, cannot come in question, or be litigated; nor can any right or interest of the Crown be in the smallest degree promoted, injured or affected, by the proceedings to be had, or the decision to be given, in this action. The ground on which this action rests, is that of *unjust spoliation* by force and violence, and the rule of Law applicable to it is, *spoliatus ante omnia restituendus est!* If, as alleged by the Hudson's Bay Company, they have been by force dispossessed by Mr. Lampson of land which was in their peaceable possession, they must recover Judgment against him, in this action, even though he were the lawful Proprietor of the land.

The Law in such case requires that the despoiled party be re-instated in possession, before the question of right can be litigated; and this can only be done in a "*Petitory*" action to be brought by the party which claims the right of property. It is manifest, therefore, that Mr. Lampson could derive no benefit in this action, from a right of property in His Majesty, even if such right existed; and it is equally manifest, therefore, that the interests of the Crown are in no respect identified with those of Mr. Lampson in this latter. He has chosen to incur the high responsibility of taking the Law into his own hands, and he must abide the result. The Crown is a stranger to the illegal acts complained of by the Hudson's Bay Company, and cannot, and ought not to be implicated in the consequences of them.

I will only beg leave further to observe, that if it be supposed that any part of the Waste Lands of the Crown are included within limits improperly ascribed to the Seigniorship of "Mille Vaches," the remedy for the recovery of it would be found, *not* in any interference on the part of the Crown in the differences between Mr. Lampson and the Hudson's Bay Company,

(as Mr. Lampson would seem to desire), *nor* in any action against that Company, but in an action against the Lessors of the Hudson's Bay Company, Proprietors of the Seigniorship of "Mille Vaches," for the establishment of boundaries between that Seigniorship and the adjoining lands of the Crown.

I have the honor to be,

Sir,

Your most obedient

humble servant,

(Signed,) J. STUART,
Atty. Genl.

Lieut. Colonel Glegg,
Secretary, &c. &c. &c.

True copy.

J. B. GLEGG,
Secy.

No. 8.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 29th December 1830.

SIR,

I am commanded by His Excellency the Administrator of the Government to signify to you, in reply to your letter of the 24th Inst. (received by me on the 27th Inst.) that his mind is much relieved by the assurance which that letter conveys, that the interests of the Crown are not involved in the case of Mr. Lampson, to whom it appears you stand professionally opposed as Counsel in a cause pending between him and the Hudson's Bay Company, more especially as this assurance enables His Excellency to call without scruple for your professional services as Attorney General in a matter arising out of the Statement contained in the Petition of Mr. Lampson, alluded to in my letter to you of the 23d. instant.

It appears by the Petition of Mr. Lampson that he is Sub-Lessee of the Lands known by the name of the King's Posts which are held under the Crown, and he complains that he is incommoded in the enjoyment of the same owing to the circumstance of the Boundary of a Seigniorship called Mille-Vaches (which Seigniorship touches upon the Lands called the King's Posts) not being accurately defined, and he appeals to the Justice of the Crown as possessor of the King's Posts to put an end to this state of uncertainty by causing the Metes and Boundaries of the Seigniorship of Mille-Vaches to be accurately surveyed and defined.

Applying to the present case the principle which would naturally guide individuals in private life under similar circumstances, the Administrator of the Government is clearly of opinion that this appeal of Mr. Lampson to the Crown is founded on justice and equity, and that it is incumbent on the Crown as possessor, and not on Mr. Lampson as Sub-Lessee, to establish the Boundary in question.

His Excellency has therefore come to the decision to comply with the prayer of Mr. Lampson's Petition, by directing the necessary legal steps to be taken towards establishing the Boundaries and Metes of the Seigniorship

of Mille Vaches ; with the view of giving due effect to his intentions on this subject he has thought proper to associate yourself and the Advocate General to act together on behalf of the Crown, and His Excellency therefore desires that you will be pleased to communicate with Mr. Vanfelson on the subject, and to concert with him the measures necessary to be adopted in order to give effect to His Excellency's intentions, reporting to me the result of such communication for His Excellency's information with the least possible delay.

I have the honor to be,
&c. &c.

(Signed) J. B. GLEGG,
Sec'y.

Hoble. J. Stuart,
Attorney General.

A true Copy.

J. B. GLEGG,
Sec'y.

No. 9.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 29th December 1830.

SIR,

I have the honor of transmitting to you herewith copy of a letter which I have this day addressed to the Attorney General by command of the Administrator of the Government, and I have been directed by His Excellency to desire that you will be pleased to put yourself in immediate communication with the Attorney General for the purpose therein specified.

I have the honor to be,

&c. &c.

(Signed) J. B. GLEGG,
Sec'y.

Geo. Vanfelson, Esqr.
Advocate General.

A true Copy.

J. B. GLEGG,
Sec'y.

No. 10.

(Copy.)

Quebec, 30th December 1830.

Sir,

I have been honoured with your Letter of the 29th instant, in which, with reference to legal steps which it is therein stated, His Excellency the Administrator of the Government has come to the decision of directing to be taken towards establishing the Boundaries and Metes of the Seigniorie of Mille Vaches ; it is intimated, that His Excellency has thought proper to associate me and the Advocate General to act together on behalf of the Crown, and that His Excellency therefore desires me to communicate with Mr.

Vanfelson on the subject, and to concert with him the measures necessary to be adopted, in order to give effect to His Lordship's intentions, reporting to you, for his information, the result of such communication with the least possible delay.

From the nature of this communication, as well as from that which preceded it, on the same subject, it seems indispensable that I should respectfully submit to His Excellency's consideration, that it belongs to the Office of Attorney General to advise, institute, defend and conduct all suits of the Crown which are carried on in His Majesty's Courts of Justice, in which that Officer acts professionally. These duties are, by law, inherent in the Office and cannot be severed from it ; for the faithful, skilful and honest discharge of them, the Officer is responsible ; and this responsibility constitutes the security of the Public and of Individuals, in so far as their respective interests are concerned. Not being conscious of any inability to fulfil the duties of the Office I hold, and not having learnt that any honour, or integrity, has been impeached, I must beg leave to claim from His Excellency the undisturbed and unrestricted exercise of the rights vested in me by His Majesty's Commission, appointing me His Attorney General for Lower Canada. If, however, any charge or report calculated to impair the confidence of His Majesty's Government in the upright discharge of my duties has reached His Excellency, instead of sustaining any abridgment of the rights now referred to, I must solicit, from His Excellency's justice, an immediate investigation of the imputation, whatever it may be, that no disparagement may be suffered by the honourable service in which I am engaged, from malignant insinuation, or unfounded suspicion. But, in the absence of any such cause for withholding the confidence which is due to the Office with which His Majesty has honoured me, and while I continue to hold this Office, I cannot acquiesce in any transfer of the duties legally incident to it, to another person ; nor can I submit to become the auxiliary of Mr. Vanfelson, or of any other Professional Gentleman, in matters in which it belongs to me to act as principal.

I have the honor to be,
&c. &c.

(Signed) J. STUART,
Atty. General.

Lt. Colonel Glegg,
Secretary, &c. &c. &c.

A true Copy,

J. B. GLEGG,
Sec'y.

No. 11.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 30th December, 1830.

SIR

The Administrator of the Government has desired me to lose no time in assuring you in answer to your letter of this date (which His Excellency has just perused) that his decision regarding the mode to be adopted in the case of Mr. Lampson, does not in the remotest degree arise from any doubt existing in his mind of either your integrity and honor, or of your professional ability ; to the existence of these qualities in your person, His Excellency is disposed to give full and entire belief

belief, neither has his decision been caused by any malicious insinuations regarding your character, that have reached his ears—he is altogether a stranger to any such insinuations, and had they been conveyed to him, he would not have hesitated for one moment candidly and honestly to have imparted them to you. A due regard to your official character, as well as his own, would have rendered such a communication an imperative duty on his part, and perhaps he may have some right to add, that his silence on this subject might have been assumed as conclusive of the fact of his mind being entirely free from any impression of the kind.

Having disposed of this part of the subject, which His Lordship has much at heart, to do in a way that may be entirely satisfactory to your feelings, he has directed me to add, that unless he has formed very erroneous notions of the functions of the office which he has the high honor of filling as Administrator of the Government of this Province, he may be permitted to judge for himself whether he shall associate one or more of the Law Officers of the Crown, in the conduct and management of any particular proceeding. He still thinks that he is vested with such discretionary power, and acting upon that assumption, he has directed me to request you will have the goodness to acquaint me, for his information, whether it be your intention to persist in refusing to act in conjunction with the Advocate General in the matter of determining the Metes and Boundaries of the Seigniority of Mille-Vaches, as directed in my letter of the 29th instant.

I have the honor to be,
&c. &c.

(Signed.) J. B. GLEGG, Secy.

Honble. J. Stuart,
Attorney General.

A true copy.

J. B. GLEGG, Secy.

—
No. 12.

Copy.

Quebec, 31st December, 1830.

SIR,

I have been honored with your letter of the 30th instant, and beg leave to state, that I have derived the greatest satisfaction from the assurances His Excellency the Administrator of the Government has been pleased to convey to me, that, in his directions respecting the Suit to settle the Boundaries of Mille-Vaches, he was not influenced by any doubt of my integrity or honor; and my most respectful acknowledgments are due, for the terms in which these assurances have been conveyed. In stating in my last letter, the rights which I apprehend to be inherent in the office of Attorney General, it was not my intention to call in question the discretionary power of His Excellency to authorize any Member of Counsel he may think fit, to give their assistance in the conduct of the Suits of the Crown; but respectfully to assert, that they cannot act as Principals, or direct or controul the Attorney General, in the management of such Suits; the responsibility for the proper and efficient conduct of the Suits of the Crown resting entirely upon him. I beg leave, therefore, respectfully to mention, that there is no objection on my part, that the Advocate General, or any other Professional Gentleman, be authorized to act as Coun-

sel in conjunction with me in the legal measures which it may be proper to adopt, for determining the Metes and Boundaries of the Seigniority of Mille-Vaches; and on this head, there is the most ready and willing acquiescence on my part, in whatever may be the pleasure of His Lordship.

I have the honor to be,
&c. &c.

(Signed,) J. STUART,
Atty. General.

Lieut. Colonel Glegg,
Secretary.

A true copy.

J. B. GLEGG, Secy.

—
No. 13.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 6th January, 1831.

SIR,

With reference to your enquiry when it might be expedient for you to put yourself in communication with the Attorney General on the subject referred to in my Letter of the 29th ult.; I am commanded by His Excellency the Administrator of the Government to request you will immediately wait upon that Officer for the purpose of acting in concert with him on the subject of a Public Instruction that was addressed to him by order of His Lordship, relative to the expediency of immediately ascertaining the Metes and Boundaries of the Seigniority of Mille-Vaches.

I have the honor to be,

&c. &c.

Geo. Vantelson, Esqr.
Advocate General.

(Signed,) J. B. GLEGG, Secy.

A true copy.

J. B. GLEGG, Secy.

—
No. 14.

Quebec, 31st January, 1831:

SIR,

In order the better to enable me to take such legal measures as may be found necessary, for establishing Boundaries between the King's Posts and the Seigniority of Mille-Vaches, in conformity with the directions of His Excellency the Administrator of the Government on this head, I beg leave to submit to the consideration of His Excellency, that it would be expedient, that the Inspector General of the King's Domain and Clerk of the Land Roll, should receive orders to make me acquainted with all such Titles and Documents as may be recorded, or be found, in his office, relative to the Boundaries

daries in question, and which may be useful in support of such legal measures as may be adopted in execution of His Excellency's directions. (Copy.)

No. 16.

Quebec, 11th February, 1831.

I have the honor to be,

SIR,

Sir,

Your most obedient,
humble servant,

(Signed,) J. STUART,
Attorney General.

Lt. Colonel Glegg,
Secretary, &c. &c. &c.

A true copy,

J. B. GLEGG, Sec'y.

No. 15.

(Copy.)

CASTLE ST. LEWIS,
Quebec, 10th February, 1831.

SIR,

The Governor in Chief has been for some time past in the expectation of receiving from yourself and the () a Report of your proceedings respecting the suit *en bornage* of the Seigniory of Mille-Vaches, directed by my letter of the 29th Decr. 1830, to be instituted on the part of the Crown; but having been disappointed in this expectation, he conceives that he can no longer remain silent on this subject, and His Excellency has directed me to impress upon your mind the importance which he attaches to the proceedings in question. The direct interest of the Crown in the issue of the suit *en bornage* of the Seigniory of Mille-Vaches is not to be taken as the measure of its importance.—His Excellency considers it in a point of view far more important than any that result from the extent more or less of the Boundaries of the King's Posts, for it is a question in which the good faith of the Crown is concerned as regards Mr. Lampson, the Lessee of that Property under the Crown.

Such being the view taken of this affair by the Governor in Chief, he hopes it is unnecessary for him to say more in order to induce you to use your utmost diligence in bringing it to a speedy conclusion; and in order that His Excellency may be kept duly informed from time to time on a subject in which he takes so deep an interest—He desires that you will (jointly) report weekly, that is to say, on every Saturday, (beginning with Saturday the 12th instant) whether any and what progress has been made in the business during the past week.

I have the honor to be,

&c. &c.

(Signed,) J. B. GLEGG, Secy.

Honble. J. Stuart,
Attorney General.

Geo. Vanfelson, Esqr.
Advocate General.

A true copy.

J. B. GLEGG, Secy.

Upon the subject of your Letter of the 10th instant, with which I have been honored, I beg leave to remark, that there is perfect readiness and willingness on my part to institute whatever action may be legally instituted for the establishment of boundaries between the Seigniory of "Mille Vaches" and the adjoining lands of the Crown. But I do also humbly apprehend, that it is incumbent on me, in this, as in all other cases, to become distinctly acquainted with the grounds on which an Action for the Crown is to be brought by me, and the means by which it is to be supported.

In cases where the rights of His Majesty, there is reason to believe, are affected by ancient French Grants, the best source of information is supplied by the office of the Inspector General of the King's Domain and Clerk of the Land Roll, in which the old French Titles, and various Documents determining the rights of His Majesty to Lands, are recorded, and to be found. I had therefore the honor, in my letter to you of the 31st January last, to suggest it to be expedient, that this officer should receive His Excellency's orders, to make me acquainted with all such Titles and Documents as might be recorded or found in his office, relating to the boundaries in question.

To this application I have received no answer.

Considering the terms of your Letter to impart a peremptory order, to institute an action immediately against the proprietors of the Seigniory of "Mille Vaches" for the establishment of Boundaries between that Seigniory and the adjoining Lands of the Crown, I shall institute this Action as thus required. But I must at the same time observe, that I shall take this step, without having been afforded the exercise of my official discretion in relation to it,—without having been required to submit, for His Excellency's consideration, my opinion whether there be legal and sufficient grounds for the proposed measure, and without having been put in possession of any Documents or information to enable me to judge whether there be such grounds or not.

I have the honor to be,

SIR,

Your most obedient
humble servant,

(Signed,) J. STUART,
Att'y. Genl.

Lieut.-Col. GLEGG,
Secretary, &c. &c.

True Copy.

J. B. GLEGG,
Sec'y.

No. 17.

(Copy.)

To His Excellency the Right Honorable MATTHEW Lord AYLMER, K. C. B., Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, &c. &c. &c.

May it please Your Excellency,

In obedience to your Excellency's order, signified to us in Mr. Secretary Glegg's letter of the

10th

10th Instant, that we do (jointly) report *weekly*, that is to say, on every Saturday (beginning with Saturday the 12th Inst, whether any and what progress has been made in the business of the suit "*en bornage*" of the Seigniorship of "Mille Vaches," directed by the letter of Mr. Secretary Glegg, of the 29th December last, to be instituted on the part of the Crown; We have the honor to report, for your Excellency's information, that a letter was written by the Attorney General, on the thirty first day of January last, to Mr. Secretary Glegg, suggesting it to be expedient, that the Inspector General of the King's Domain and Clerk of the Land Roll should receive orders from your Excellency, to make him acquainted with all such Titles and Documents as might be recorded or be found in his office, relative to the Boundaries of the said Seigniorship, and which might be useful in support of such legal measures as might be adopted in execution of your Excellency's directions; of which letter a Copy is sent herewith. (a)

We have also the honor to report, that on the same day the Attorney General wrote a letter (b) to the Hon. John Stewart, Attorney for several of the Proprietors of the Seigniorship of "Mille Vaches," informing him of the Instructions he had received to institute an Action against them as above mentioned, and expressing a desire to know whether, upon the institution of such an action, an appearance would be entered for all the Proprietors, as well those absent from this District as those resident elsewhere, or whether the formality of electing Curators to the absent Proprietors would be rendered necessary and insisted upon, for the valid service of process in the Action. Of this letter a Copy is also sent herewith.

We have also the honor to report, that, in answer to the last letter, (c) the Attorney General received from Mr. Stewart, a letter dated 5th Feby. Inst., in which he intimates the acquiescence of the Proprietors of "Mille Vaches" in the Attorney General's proposal.

All which, nevertheless, is respectfully submitted to your Excellency's Wisdom, by

Your Excellency's
most obedient,
humble Servants,

(Signed,) J. STUART,
Atty. General.

Quebec, Saturday, }
12th Feby. 1831. }

A true Copy.

J. B. GLEGG,
Secy.

(Copy.)

SIR,

In order the better to enable me to take such legal measures as may be found necessary for establishing Boundaries between the King's Posts and the Seigniorship of "Mille Vaches" in conformity with the directions of His Excellency the Administrator of the Government on this head, I beg leave to submit to the consideration of His Excellency, that it would be expedient that the Inspector General of the King's Domain and Clerk of the Land Roll, should receive orders to make me acquainted with all such titles and documents as may be rendered, or be found, in his Office, relative

to the Boundaries in question, and which may be useful in support of such legal measures as may be adopted in execution of His Excellency's directions.

I have the honor to be,
Sir,
Your most obedient
humble Servant,

(Signed,) J. STUART,
Atty. Genl.

Lt.-Col. Glegg, Secy.
&c. &c. &c.

True Copy.
(Signed,) J. Stuart.

(b)

(Copy.)

Quebec, 31st January 1831.

SIR,

I beg leave to recall to your recollection a conversation which took place between us some days since, in which, with reference to an Action I have received instructions from His Excellency the Administrator of the Government to institute against the Proprietors of the Seigniorship of "Mille Vaches," for establishing Boundaries between that Seigniorship and the King's Posts, I expressed a desire to know whether, upon the institution of such an Action, an appearance would be entered for all the Proprietors, as well those absent from this District, as those resident elsewhere; or whether the formality of electing Curators to the absent Proprietors would be rendered necessary and insisted upon, for the valid service of Process in the Action.

Allow me to renew in this form my request to receive an answer on this point.

I have the honor to be,
Sir,
Your most obedient
humble Servant,

(Signed,) J. STUART,
Atty. Genl.

The Honble.
John Stewart, Esqr.
&c. &c.

True Copy.
J. Stuart.

(c)

(Copy.)

Quebec, 5th February 1831.

SIR,

In reply to your letter of the 31st ult, respecting the Action contemplated to be brought against the Proprietors of the Seigniorship of Mille-Vaches, I have the honor to inform you, that, should the intention of bringing that action be persisted in, I shall instruct Counsel to appear for the Heirs of the late Peter Stuart, whom I represent as Agent, and having communicated with the Agents of the other absentees co proprietors of the said Seigniorship, I am authorized to state that appearances will likewise be entered for them, without the necessity of electing Curators to their absence. I at the same time have to request that you would have the goodness to postpone the commencement of proceedings in this case,

case, until the result of an application which the Proprietors are about to make to His Excellency the Governor in Chief shall be known.

I have the honor to be,
&c. &c.

To the Honorable
The Attorney General.

(Signed) J. STEWART,
True Copy.
(Signed,) J. Stuart. True
A Gle Copy.
J. B. Glegg, Secy.

No. 18.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 12th February 1831.

Sir,

With reference to the Instructions you have received regarding a suit *en bornage* of the Seigniorship of Mille Vaches, to be instituted on the part of the Crown, I am directed by His Excellency the Governor in Chief to transmit to you the enclosed Copy of a Petition of the Proprietors of the Seigniorship of Mille Vaches, together with the accompanying Copy of a *Procès Verbal* of that Seigniorship, praying that the prosecution against them may be stopped, or that the expense of it be paid by the Crown, and I am to refer the same to you for your information and for such observations thereon as you may judge necessary to guide His Excellency in any further proceedings in this business.

I have the honor to be,
&c. &c.

(Signed) J. B. GLEGG,
Secy.

Honble. J. Stuart,
Attorney General.

Geo. Vanfelson, Esqr.
Advocate General.

A true Copy,
J. B. GLEGG,
Secy.

No. 19.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 12th February 1831.

Sir,

With reference to your letter of the 11th instant, I have been directed by His Excellency the Governor in Chief to desire that you will require from the head of any Public Department in this Province, to which you may have occasion to refer, such Documents as you may conceive to be necessary for the due prosecution of the contemplated suit *en bornage* of the Seigniorship of Mille Vaches, producing this letter as your authority for such requisition. I have been further directed to desire that as the former Instructions conveyed to you in my Letter of the 29th December last, required the Advocate General to act in conjunction

with you in the prosecution of the contemplated suit, His Excellency desires that the weekly report of progress required by my Letter of the 10th instant, may be a *joint Report* to be signed by yourself and the Advocate General.

Referring to the concluding part of your Letter of 11th instant, I have been directed to observe that the Governor in Chief does not stop to consider whether there be or be not sufficient legal grounds for the proposed measure. According to His Excellency's view on the subject, Mr. Lampson has right on his side, when he calls on the King's Government, as Sub-Lessee of the King's Posts, to determine for him the Boundary of the Seigniorship of Mille Vaches, and His Excellency would, as he thinks, but ill deserve the confidence of his Sovereign were he to leave any effort untried, whatever might be the prospect of success, when the good faith of His Majesty's Government is concerned.

I have the honor to be,
&c. &c.

(Signed) J. B. GLEGG,
Secy.

Honble. J. Stuart,
Attorney General.

P. S. A Copy of this Letter will be communicated to the Advocate General for his information and guidance.

A true Copy.

J. B. GLEGG,
Secy.

No. 20.

(Copy.)

CASTLE ST. LEWIS,

Quebec, 12th February 1831.

Sir,

I am commanded by His Excellency the Governor in Chief to transmit you the enclosed Copy of a Letter which I have this day addressed to the Attorney General by His Excellency's order, relative to the due prosecution of the suit *en bornage* of the Seigniorship of Mille Vaches, for your information and guidance.

I have the honor to be,
&c. &c.

(Signed) J. B. GLEGG,
Secy.

Geo. Vanfelson, Esquire,
Advocate General.

A true Copy.
J. B. GLEGG,
Secy.

No. 21.

Quebec, 14th Feby. 1831.

Sir,

Adverting to the renewed injunction of His Excellency the Governor in Chief, contained in your letter of the 12th instant, by which His Excellency is pleased to desire, that the weekly report of progress in the affair of *Mille Vaches* required by your letter of the 10th instant may

may be a *joint* Report, to be signed by myself and the Advocate General; it would seem to be necessary, to prevent any misinstruction, that I should respectfully for His Excellency's information account for the absence of the signature of the Advocate General to the Report of the 12th instant, bearing my signature *only*. This Report, together with the documents referred to in it, was sent to the Advocate General, accompanied by a letter from me, of which a copy is herewith sent, requesting him, if he concurred in the Report, to sign it; if not, to note his dissent at the bottom of it; and in either case to return the Report to me, that I might transmit it to His Excellency. The Report and Documents were returned to me by the Advocate General, with a somewhat singular letter addressed to myself, intimating his dissent from the Report, and his refusal to sign it.—Under these circumstances, the Report was necessarily transmitted by me to His Excellency, with my signature only.

I beg leave to state, that I am unaware of any better course than that above adopted, for satisfying His Excellency's particular desire to have a joint Report; and, with His Excellency's permission, I shall pursue the same course in future, unless I receive His Excellency's orders to the contrary.

I have the honor to be,

Sir,

Your most obedient

humble servant,

(Signed) J. STUART,

Atty. Genl.

Lt. Colonel Glegg,
Secretary, &c. &c. &c.

True Copy,
J. B. GLEGG, Secy.

(Copy of the letter referred to in the preceding one:—)

Quebec, 12th Feby, 1831.

Sir,

I send herewith a Report to His Excellency the Governor in Chief, on the subject of the Boundaries of *Mille Vaches*, for your signature, if you concur in it; if not, I have to request you will make your dissent at the bottom of it, and, in either case, have the goodness to return it to me without delay, in order that I may transmit it to His Excellency.

I have the honor to be,

Sir,

Your most obedient

humble servant

GEORGE VANFELSON, Esqr.
H. M. Advocate Genl.

(Signed) J. STUART,
Atty. Genl.

True Copy,
(Signed) J. STUART.

True Copy,
J. B. GLEGG, Secy.

No. 22.

(Copy.)

Quebec, 14th February, 1831.

Sir,

I have been honored with your letter of the 12th instant, transmitting a Petition of the Proprietors of the Seignior of "*Mille Vaches*," together with a *Procès Verbal* of survey of that Seignior, in which Petition they pray that the Prosecution against them be stopped, or that the expense of it be paid by the Crown; which Documents His Excellency has been pleased to refer to me for my information, and for such observations thereon as I may judge necessary to guide His Excellency, in any further proceedings in this business.

Upon these commands of His Excellency I beg leave respectfully to state, for His Excellency's information, that the prosecution, (that is, the action for the establishment of Boundaries,) referred to in this Petition, and which the Petitioners pray may be stopped, has not yet been instituted; but, in obedience to His Excellency's order contained in your letter of the 10th instant, my attention has been directed to the im-

mediate institution of the action, the information to be filed by me has been prepared, and my Clerks are now employed in copying it, in order that process may be immediately sued out upon it, returnable in the present Term of His Majesty's Court of King's Bench for the District of Quebec, which will close on Saturday next, the 19th instant. From the terms of your letter of the 12th instant, above referred to, however, I am led to doubt whether it be His Excellency's intention that I should persist in the immediate execution of his order of the 10th instant, or whether I am to suspend the execution of that order till after my report on the Petition of the Proprietors of "*Mille Vaches*," and till I may be honored with the further directions of His Excellency on this subject.

I beg you will do me the favor to take His Excellency's pleasure on this head, for my guidance.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed,) J. STUART,
Attorney General.

Lt. Colonel Glegg,
Secretary, &c. &c. &c.

True Copy,
J. B. GLEGG, Secretary.

No. 23.

(Copy.)

Castle Saint Lewis,
Quebec, 15th February, 1831.

Sir,

With the view of preventing all misconception on the subject of the latter part of your letter of yesterday's date, I am commanded by His Excellency the Governor in Chief, to desire that the Suit *en Bornage* of the Seignior of Mille Vaches may proceed without loss of time; I am further directed to add that with reference to the Petition of the Proprietors of Mille Vaches, and the mode of defraying the expenses connected therewith, His Lordship is opinion that it is a point for future consideration.

I have the honor to be,

&c. &c. &c.

(Signed,)

J. B. GLEGG,
Secretary.

Honorable James Stuart,
Attorney General. }

A true copy.
J. B. GLEGG, Sec'y.

N. B.—This Letter closed the Correspondence with the Attorney General; and the Suit "*en Bornage*," of the Seignior of Mille Vaches is now in progress.

J. B. GLEGG, Secretary.

No. 24.

(Copy.)

Castle Saint Lewis,
Quebec, 15th February, 1831.

Sir,

In compliance with the commands of His Excellency the Governor in Chief, I transmit herewith a letter of yesterday's date received from the Attorney General, and am directed to request you will favor me, for His Lordship's information, with your reasons for not having concurred with him in a Joint Report, agreeably to the instructions which were communicated to you in my letter of the 10th instant.

I have the honor to be,

&c. &c. &c.

(Signed,)

J. B. GLEGG,
Secretary.

George Vanfelson, Esquire, }
Advocate General. }

A true copy.
J. B. GLEGG, Sec'y.

Quebec, 19th February 1831.

Sir,

In answer to the Letter with which I was honored on the 15th instant, commanding me to report for His Excellency's information, what reasons I had for not concurring with the Attorney General in a joint Report, agreeable with the instructions which were communicated to me, in your Letter of the 10th instant. I have the honor to state, for His Lordship's information, that the grounds for that dissent are fully stated in my official Report, sent you on the 12th instant; and for more ample information as to my dissent, I beg leave to transmit you herewith, a copy of a Letter by me written to the Attorney General on the subject, in answer to the one he wrote me, calling for my signature to the Report in question, and to which he alludes in the Letter he wrote you on the 14th instant; the reasons assigned to the Attorney General, with the statement contained in my Report of last Saturday, will, I trust, show satisfactorily why I could not sign it, without compromising myself in the delay, that had taken place, in giving due effect to His Lordship's commands, in obedience to your official Letter of the 29th December last, touching the *bornage* of Mille-Vaches.

I have the honor to be,

Sir,

Your very obedient humble servant,

(Signed,) G. VANFELSON,
Adv. Genl.

Lieutenant Colonel Glegg,
Civil Secretary.

P. S.—The Letter of the Attorney General sent me, I herewith enclose.

(Signed,) G. V.

No. 25.

Copy of the Letter referred to in the preceding one:—

Quebec, 12th February, 1831.

Sir,

I acknowledge the receipt of your official communication of this date, on the subject of the Boundaries of Mille-Vaches, which communication is accompanied with a Report prepared by you, to which you request my signature, in case I should concur in it, if not, to note my dissent at the bottom of it; and in either case, to return it to you without delay, in order that you may transmit it to His Excellency the Governor in Chief; upon perusing the Report in question, I find that you have taken upon yourself to adopt a course totally different, to the one agreed upon between us, when I had the honor to meet you on the 7th ultimo, when it was settled the original grant of Mille-Vaches was the Title required, and that we should ascertain who were the co-proprietors of that Seignior; the title I procured and sent you the very same day: of the names of the proprietors I furnished you a list on the 12th of the same month, nothing then remained to be done, but to cause a Tutor to be appointed to the minors Robert Dunn, (if their

Mother has not already that appointment,) and to cause a Curator to be appointed to the absentees.

The steps necessary to effect these appointments required but little time and labour. No proceedings or steps however to advance the matter are taken by you, until the very last day of January, but without communication with me; and unknown to me you write a Letter to the Honorable John Stewart, and another Letter of the same date to the Civil Secretary on the subject in question, both of which communications I take to be contrary to what had been settled upon between us early in January, and causing unnecessary, and, in my opinion, unjustifiable delay, as is apparent by the Honorable John Stewart's answer of the 5th instant, wherein he concludes by requesting "that you would have the goodness to postpone the commencement of proceedings in this Cause until the result of an application which the Proprietors are about to make to His Excellency the Governor in Chief shall be known," with which application, we, acting conjointly for the Crown, have nothing to do or say. Not, therefore, approving in any manner of the course by you taken, I deem it right for my own justification in the matter to decline signing your Report, as I have sent in my own this morning.

Therewith return the Report, with the three Copies of Letters accompanying the same, and would still strongly recommend the course agreed upon, originally, to be followed.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed,) GEORGE VANFELSON.

The Honorable
The Attorney General.

A True Copy.

(Signed,) G. VANFELSON,
Adv. Genl.

True Copy.

J. B. GLEGG,
Secretary.

No. 26.

(Copy.)

Quebec, 19th February 1831.

Sir,

Upon the subject of your Letter of the 12th instant, transmitting to me a Petition from the Proprietors of the Seignior of "Mille-Vaches," together with a Copy of a *Procès-Verbal* of Survey of that Seignior, in which Petition they pray that the prosecution against them may be stopped, or that the expense of it may be paid by the Crown, I beg leave respectfully to state, for the information of His Excellency the Governor in Chief, that I have, in obedience to His Excellency's commands, perused the Petition and the *Procès-Verbal* above referred to, by which a case *prima facie* is made out in favor of the Petitioners; but it is impossible for me to report any absolute opinion on the alleged rights of the Petitioners, without further information on the point in dispute. This information it has been impossible for me to obtain in the short interval which has elapsed since the reference of the said Petition to me, and with the multitude of avocations which press on me at this moment. But on my return from Montreal, to which place I am now going

going on public duty, I shall not omit to institute such enquiries as may put me in possession of the information that may be necessary to enable me to report, for His Excellency's consideration, my humble opinion on the merits of the application of the Proprietors of Mille-Vaches contained in their said Petition.

I have the honor to be,

&c., &c.

(Signed,)

J. STUART,
Atty. Genl.

Lieutenant Colonel Glegg,
Secretary, &c., &c.

A. true Copy.

J. B. GLEGG,
Secy.

No. 27.

Quebec, 19th February, 1831.

SIR,

I was honored with his Lordship's commands by your Official Letter of the 12th instant, accompanied with a Copy of the Petition of the Proprietors of the Seignior of Mille Vaches, together with a Copy of a *Procès-verbal* of that Seignior, praying that the Action directed to be brought against them be stopped, or that the expense of it be paid by the Crown, which Petition and *Procès-verbal* are referred to me for information, and for such observations thereon as I may judge necessary, to guide His Excellency the Governor in Chief in any further proceedings in the business.

I have carefully read this Petition and the *Procès-verbal* produced in support of it, and have examined and maturely considered the whole, and now beg leave to submit my observations for the information and guidance of His Excellency. This application is of a very novel nature, and in my opinion destitute of foundation both in law and equity.

In this Petition the Petitioners express their surprise as to a communication lately made to them by the Attorney General, stating that he had received instructions to institute an action *en bornage*.

There is no reason to found or express surprize on the subject, the Proprietors of Mille Vaches are not ignorant that their Seignior has no Metes and Boundaries to divide it from the King's Posts, and therefore that it becomes of absolute necessity, under existing circumstances, that proper Metes and Boundaries should be set, to put an end to the difficulties which have lately taken place between the Lessee of the King's Posts and the Hudson's Bay people, (Lessees of Mille Vaches,) the peace, welfare, and tranquillity of both parties require it. By this operation nothing will be taken away from the Proprietors of Mille Vaches, who after proper investigation will retain what of right belong to them; while if the matter stands as prayed for by them, part of the Territory being disputed between the parties, evil consequences may ensue, and lives may be lost, which is for His Majesty's Government, a matter of much greater importance, than the expenses of a Law Suit *en bornage* can be.

With regard to the expenses incident to the proposed action, this is a matter for future consideration, and an appeal to the justice and equity of His Majesty's Government at the present time altogether premature: it will be time enough, when the merits of the Action have been tried and decided, to lay claims for indemnity, if by the result of judicial proceedings, it be ascer-

tained that such proceedings have proved altogether unnecessary and without any foundation: but at the present time it is begging the question. The principle of Law, is that the action *de bornage* is of its nature imprescriptible, and always open to one neighbour against the other. As to the result of such an action whether the Court after consideration, will settle the Metes and Boundaries, according to title or provision, is a question of Law, which none but a Court of Law can decide.

It is stated in this Petition that the Seignior of Mille Vaches was originally granted to one Giffard in 1653, under the following description, to wit: "Trois lieues de front, sur le Fleuve St. Laurent du côté du nord, au dessous de Tadousac, et de grandes et petites Bergeronnes, au lieu dit Mille Vaches avec quatre lieues tenant pardevant sur le dit fleuve, et des autres côtés aux terres non concédées," (The King's Posts.)

This description is in very vague and general terms, and the true point to ascertain, with a view to lay Metes and Boundaries, is, "le lieu dit Mille Vaches."

It is pretended, that a very few years after, (1675) this Seignior was regularly surveyed and bounded.

I have given every possible attention to the reading of this *Procès-Verbal*, upon which so much stress is laid by Petitioners, and after due and proper consideration, I am of opinion it cannot preclude the Crown from the right of calling upon the Petitioners for a *bornage*: for this *Procès-Verbal* is of itself a perfect nullity: I shall therefore assign the grounds upon which I entertain this opinion:—

1st. The Crown was not a party to this *Procès-Verbal*, and that alone is a conclusive answer to the proprietors of Mille Vaches, for it is a principle well established in Law, that both neighbours must be parties to an operation of this nature, where the interest of the proprietors is so much involved.

2d. This Survey appears to have been an *ex parte* operation, made without any Title being produced at the time, for none is mentioned in this *Procès-Verbal*, by the Surveyor.

3d. Admitting this *Procès-Verbal* to be valid, which I do not, it is no legal or perfect *bornage*, for, on reading it, it appears one boundary only was set on each side of Baie de Mille Vaches, along or near the River St. Lawrence, but no regular line was ever drawn, running the full depth of that Seignior or any other Metes or Boundaries set at the extremity of the four leagues: on the contrary, on referring to the *Procès-Verbal* itself, it is only a partial *bornage* "pour servir de marques et séparation, et continuer quant besoin sera"; in fact it would seem, the Surveyor did not know at the time, what was the true depth of the Seignior, for he does not note it in his *Procès-Verbal*: It is therefore, in my opinion, incorrect on the part of the Petitioners to assert, that the Seignior of Mille Vaches was regularly surveyed and bounded.

"As to the recognition by successive Governments "before and since the Conquest of this Survey," there are no Documents accompanying this Petition to justify the assertion: but even taking it for granted that it be so, still a full and more ample *bornage* is required to verify if the two Metes or Boundaries set, as pretended in 1675 are still in existence, and to renew them if destroyed, and in either case to prolong the lines of Mille Vaches from the River St. Lawrence on both sides, until the full depth (four leagues,) at the extremity of which, Metes and Boundaries must also, of absolute necessity, be set.

The Petition states, the property and right of the Proprietors of Mille Vaches, was never called in question until 1823.

Z

This

The latter part of the Petition is answered by the statement submitted by Mr. Lampson in support of his Petition on the subject of the King's Posts, wherein he states:—

“ This subject was never brought under the consideration of His Majesty's Government before now, for obvious reasons:—before the pending of the present case, the Lessees of the King's Posts were either Lessees of Mille Vaches at the same time, or owners of that Seigniorie, and holding both, excluded all questions of adverse interest; this accounts also why a Survey of Mille Vaches was never called for; how it happens that encroachments unnoticed had taken place in the Domain Lands to the prejudice of the Crown, and by what means the Post of Portneuf has been established, &c.”

When the late Mr. Goudie in 1823, took possession of the King's Posts, he laid claim to Portneuf as within them,—the Law Officers of the Crown reported favorably to Mr. Goudie's demand;—so far I know personally, having myself signed the Report; and it is equally true, the Report in question was made, after a perusal of the grant of Mille Vaches of 1653, but as to the *Procès Verbal* now produced of 1675, it was not exhibited by Mr. Goudie at the time. However, had that Document been shown to me, it would not have altered my opinion. As to what effect it might have had upon the late Attorney General, (now Mr. Justice Uniacke,) I cannot say. As to what the Governor in Chief, (Lord Dalhousie,) may have decided in the matter at the time, “ upon the production of such Titles, that the King's Lessee had no right whatever, and that it would be unjust to require a Survey, when the Proprietors enjoyed it under one already in existence,” is matter of fact which had never come to my knowledge before reading the Petition now referred to me, and in reference to which I can afford no correct information.

Upon the whole, however, I see nothing contained in the Petition, or in the Document which accompanies it, to cause the instructions given to the Attorney General and myself, on this subject, to be recalled: on the contrary, it is matter of justice to both parties that proper Metes and Boundaries should be set, with as little delay as possible, so as to put an end to the acts of violence that have already been committed by the contending parties in this disputed Territory; and the sooner the contemplated Action *en bornage* is decided in due course of Law, the better, as well for the interest of the Crown, as for the benefit of all concerned.

This Report humbly submitted,

I have the honor to be,
Sir,

Your very obedient and
humble Servant,

(Signed,) G. VANFELSON,
Adv. Genl.

Lieut. Col'nel Glegg,
Civil Secretary,
&c. &c.

True Copy.
J. B. GLEGG,
Sec'y.

No. 28.

To His Excellency the Right Honorable Matthew Lord Aylmer, K. C. B., Captain General and Governor in

Chief and Governor in Chief of Lower-Canada, Upper-Canada, Nova-Scotia, &c. &c. &c.

May it please your Excellency,

In obedience to your Excellency's order signified to us in Mr. Secretary Glegg's letter of the 10th instant, requiring that we do (jointly) report weekly, that is to say, on every Saturday (beginning with Saturday the 12th instant.) whether any and what progress has been made in the business of the Suit *en bornage* of the Seigniorie of Mille-Vaches, directed by the letter of Mr. Secretary Glegg, of the 20th Decr. last, to be instituted on the part of the Crown, We have the honor to report, for your Excellency's information, that the letter of Mr. Secretary Glegg, of the 15th instant, in answer to that of the Attorney General of the 14th instant, by which, notwithstanding the Petition of the Proprietors of Mille-Vaches, referred to in those letters, your Excellency was pleased to desire that the said Suit *en bornage* should proceed without loss of time, did not reach the Attorney General, till after 4 o'clock in the afternoon of the 15th instant, at which period it was not practicable, consistently with the Rules of practice of the Court in which the Suit was to be instituted, to cause process to be sued out and served in time to be made returnable in the present Term, which ends to-day.—Process was, therefore, sued out by the Attorney General the next day, that is, the 16th day of February instant, returnable on the 2d. day of April next, being the earliest day on which it could be made returnable; till which period no further progress in the Suit in question can be made; and we presume, therefore, that it is consistent with the spirit, if not the letter, of your Excellency's order of the 10th instant, that we do abstain from making any further Reports to your Excellency till after the Process has been returned into Court; And, on this presumption, we shall take the liberty of acting, unless we receive your Excellency's orders to the contrary.

All which, nevertheless, is respectively submitted to your Excellency's wisdom, by

Your Excellency's
most obedient,
humble servants,

(Signed,) J. STUART
Atty. General.

Quebec, }
Saturday, 19th Feby. 1831. }

Memorandum —The foregoing Report was sent to the Advocate General for his Signature, which he declined putting to this Report.

(Signed) J. STUART.
19th Feby. 1831.

A true Copy.
J. B. GLEGG, Secy.

No. 22.

Quebec, 19th February, 1831.

SIR,

In obedience to His Excellency's commands signified to the Attorney General and myself, by your official letter of the 10th instant, requiring the Attorney General and myself, jointly to report, weekly, that is to say, on every Saturday, beginning on Saturday the 12th instant, whether any

any and what progress, has been made in the business of the *Suit en bornage* of the Seigniorship of Mille Vaches, directed by your Official letter of the 29th of December last, to be instituted on the part of the Crown

I have the honor to report, that since Saturday last nothing had been done, which came to my knowledge, in the matter in question, further than being informed this morning, for the first time, on perusing the Attorney General's Report of this day, sent me for signature, that he had on the 16th instant instituted an action returnable on the 2d of April next: I have had no communication whatever with him on the subject, previous to the receipt of his Official Report of this date, nor have I in any manner or way been spoken to, or consulted in the case by him, since my Report of Saturday last,—Whether therefore, the steps taken by the Attorney General alone in this matter, are such, as to give due effect to the instructions of His Excellency as stated in your Official Letter to the Attorney General of the 29th December last, is more than I can pretend to say, the Attorney General not having given me an opportunity of judging for myself as to the steps he states to have taken in the matter in question.

I have the honor to be,

Sir,

Your very obedient
Humble Servant,

(Signed,) G. VANFELSON,
Adv. General.

Lt. Colonel Glegg,
Civil Secretary,
&c. &c. &c.

A true Copy.

J. B. GLEGG, Secy.

No. 30.

Quebec, 26th February, 1831.

SIR,

In obedience to His Excellency's commands signified to the Attorney General and myself, by your Official Letter of the 10th instant, requiring us jointly to report weekly, that is to say, on every Saturday, beginning with Saturday the 12th instant, whether any and what progress has been made in the business of the *Suit en bornage* of the Seigniorship of Mille Vaches, directed by your Official Letter of the 29th December last, to be instituted on the part of the Crown, I have the honor to report, for His Lordship's information, that since Saturday last, having made the proper enquiry at the Offices of the Prothonotary and Sheriff, I find that on the 16th instant, the Attorney General sued out the process of the Court, against the co-proprietors of Mille Vaches, returnable on the second of April next, which process has been placed, as it is usual, in the Sheriff's Office, for the service thereof on the Defendants.—How, and by what means, the process in question will be legally served on the Defendants is a question, but which I presume will not arise in the case, from this circumstance, that it appears there is an understanding between the Attorney General and the Honorable John Stewart, acting for and on behalf of the Proprietors, that an appearance will be filed by Counsel for all the Defendants whether regularly served or not.

For the present, no further Report can be made on the subject, until Saturday the second of April next, the day on which the process is made returnable in Court: I shall therefore not trouble His Lordship in the matter until then, except I receive his commands so to do.

This Report is submitted by myself without the participation of the Attorney General, he being absent from the District on public business.

This Report humbly submitted.

I have the honour to be,

Sir,

Your very obedient
Humble Servant,

(Signed,) G. VANFELSON,
Adv. General.

Lt. Colonel Glegg,
Civil Secretary, &c. &c.

A true Copy.

J. B. GLEGG, Secy.

[D.]

Title of the Seigniorship of the Island of Mille-Vaches for M. François Aubert, Counsellor in the Superior Council of this country.

JEAN de Lauzon, Ordinary Counsellor of His Majesty in his Council of State, and Privy Council, Governor and Lieutenant General of His Majesty, in New France, (*Nouvelle France*), extending along the River St. Lawrence.—To all whom these presents may come, Greeting:

KNOW YE, that in virtue of the power given to us by the Company of New France, as duly registered, we have granted and conceded, and by these presents, do give, grant and concede unto Robert Giffard, Esquire, Seigneur of Beauport, the substantive extent, (*consistence*) of the territory which follows, that is to say:—three leagues in front, along the River St. Lawrence, on the north shore below Tadoussac, and below the great and lesser Bergeronnes, at the place called Mille-Vaches, by four leagues in depth, bounded in front by the said River, and on the other sides by ungranted lands, to him, his heirs and assigns, to have and to hold the said territory in Fief, with all the rights of upper, mean and lower judicature, (*haute, moyenne, et basse justice*) and Seigniorship, and with the same rights as are enjoyed by the Company of New France, in virtue of the grant made to them by the Edict whereby the said Company are established; always reserving the fealty and homage which the said Robert Giffard, him, his heirs and assigns, are held to pay to the Senechal jurisdiction (*sénéchaussée*) of Quebec, by one act of homage, and by the redemption of one year's rent, upon each change of possession, in conformity with the customs of Vexin François incorporated with the Custom of Paris; and also that the appeals from the Judge who may be established in the said territory, shall be under the jurisdiction of the Grand Senechal of New France, or his Lieutenant in his jurisdiction of Quebec. In consequence whereof, we command, the Grand Senechal of New France, his Lieutenant or Deputy, to put the said M. Giffard in possession of the said territory, whereunto we give him full power. In witness whereof, we have signed these presents, have caused the Seal of Our Arms to be affixed hereunto, and the same to be countersigned by one of our Secretaries, at Fort St. Lewis of Quebec, this fifteenth of November, one thousand six hundred and fifty-three, signed *De Lauzon*. And lower down is written, by My Lord (Monseigneur)
Durand

Du val, with *paraphe* and sealed in the margin with a Seal of red wax.

Collated with the original remaining in the hands of the undersigned Notary, for reference when required, this second day of July, one thousand six hundred and seventy, signed *Becquet*, with *paraphe*.

I do hereby certify the foregoing to be a true Copy of an entry as found on record in the office of Enrollments at *Quebec*, in a French Register, intituled "*Cahiers d'Intendant et Concess. en Fief, &c. No. 10 to 17, folio 71, verso*"

Secretary's Office, *Quebec*, 21st March, 1831.

D. DALY,
Secy. & Regr.

[E.]

PROVINCE OF }
LOWER-CANADA, }
His Excellency GEORGE EARL OF DALHOUSIE, Knight
Grand Cross of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief in and over the Province of Lower-Canada, Vice Admiral for the same, &c. &c. &c.

A PROCLAMATION.

WHEREAS it graciously pleased the King's Most Excellent Majesty, by Lease bearing date the twenty-sixth day of July One thousand eight hundred and twenty-two, to lease to John Goudie, all that certain tract and parcel of His Domain Lands, situate, lying and being on the North side of the River Saint Lawrence, in the said Province of Lower-Canada, commonly called and known by the name of the King's Posts, together with all and every the wharves and buildings thereon erected and being, and all and every the appurtenances, and together also with the right of carrying on an exclusive Trade with the Indians at and upon the said Domain Lands, and an exclusive Fisheries thereat, for the term of twenty years; for the purpose therefore of securing to the said Lessee of the said King's Posts the peaceable and full possession and enjoyment of the said Domain Lands, Posts and Fisheries, and the exclusive right of Trading thereat during the continuance of his Lease, free from intrusion, hindrance or molestation by any Trader or Traders, or other persons whatsoever within the limits of the said Domain Lands and Posts, and the dependencies thereof, I have thought fit to issue this Proclamation, hereby strictly warning and forbidding all manner of persons whatever (excepting those who shall be duly authorized by the said Lessee) from going to Trade with the Indians or otherwise obtruding themselves within the limits of the said Domain Lands, Posts and Fisheries, or any of the dependencies thereof; and from seducing or enticing away any of the Indians therefrom as well as from interrupting or molesting the said Lessee or his Agents or Servants, in their exclusive rights of Trade in any manner whatsoever, as they will answer the contrary at their peril.

Given under my Hand and Seal at Arms at the Castle of Saint Lewis in the City of *Quebec*, in the said Province of Lower Canada, the Fourth day of March, one thousand eight hundred and twenty three, in the fourth year of His Majesty's Reign.

DALHOUSIE.

By His Excellency's Command,
Ls. Montizambert, Actg. Prov. Secy.

The undersigned having become possessed by purchase, of the Lease of the King's Domain, timely notice is hereby given that all persons found trespassing upon said Territory by Hunting, Fishing, Trading or Fitting out Indians, or other persons for that purpose, or in any way infringing upon the rights and privileges guaranteed by Government in said Lease, will be prosecuted to the utmost rigour of the Law, and that necessary instructions are given to the Clerks and Servants at the Posts to take possession of all Canoes, Crafts, Vessels and property found with persons upon said territory, and a reward of 400 livres is hereby offered to any one that will give such information as will lead to the detection of any person committing depredations as aforesaid.

W. M. LAMPSON.

[F.]

No. 1.

Province of Lower-Canada, }
District of Quebec. }

Robert Cowie, of the City of *Quebec*, Esquire, being duly sworn upon the Holy Evangelists, doth depose and say that he is the person whom William Lampson hath charged upon oath in and by a certain Declaration and affidavit filed in the Court of King's Bench for the District of *Quebec*, copies of which, certified by the Prothonotaries of the said Court, are hereunto annexed, with having, along with one William Davis, in their custody and possession without title, thirteen packs of Furs belonging to the said William Lampson. And the Deponent further saith that thirteen packs of Furs belonging to the said William Lampson did not come casually into the hands and possession of this Deponent and the said William Davis jointly, or into the hands and possession of this Deponent separately, without title, on the eighth day of June last, or on any other day whatsoever, nor did any pack or packs of furs or any furs whatsoever come casually into the hands and possession of this deponent and William Davis jointly, or into the hands and possession of this deponent separately, without title, either on the eighth day of June last, or on any other day whatsoever, either at the river Portneuf, or at any other place whatsoever, and this deponent further saith that all the furs which were in the possession of this deponent separately, or in the hands and possession of this deponent and William Davis jointly, at the River Portneuf, on the eighth day of June last, or on any day subsequent thereto up to the sixteenth day of June last inclusive, were furs which had been or were delivered into his or their custody and possession, in the due and common course of trade, either in payment of debts due by the proprietors thereof, to the Honorable the Hudson's Bay Company, or for the purpose of being traded by them with the said Company. And this deponent further saith that the only furs which he this deponent obtained possession of either separately or conjointly with William Davies on the eighth day of June last at the River Portneuf, were certain furs which were delivered on that day at the Stores of the said Hudson's Bay Company at Portneuf aforesaid, by William Autseman, Philippe, François, André, Grégoire, Bazile and Louis, all Indians of the Montagnais tribe, in payment of debts due by them or some or one of them to the Hudson's Bay Company, or for the purpose of traffic with the said Company, and this deponent further saith, that he has not and never has had to his knowledge in his possession either separately or conjointly with the said William Davis, any furs whatsoever belonging to the said William Lampson, and this deponent further saith, that all the matters of fact contained

contained in the said declaration and affidavit of the said William Lampson, certified copies of which are hereunto annexed as far as they regard this deponent, are and each of them is absolutely false and untrue in every respect, and this deponent further saith, that the said William Lampson in and by his said affidavit, of which a copy certified as aforesaid, is hereunto annexed, hath committed wilful and corrupt perjury.

(Signed,) ROBERT COWIE,

Sworn before me at Quebec, this 5th day of October, 1830.

(Signed,) JOHN DAVIDSON, J. P.

Province of Lower-Canada, }
District of Quebec, }

William Davis of the City of Quebec, Clerk in the service of the Honorable the Hudson's Bay Company, being duly sworn upon the Holy Evangelists, doth depose and say, that he is the person whom William Lampson hath charged upon oath in and by a certain declaration and affidavit filed in the Court of King's Bench for the District of Quebec, copies of which certified by the Prothonotaries of the said Court are hereunto annexed, with having, along with one Robert Cowie, in their custody and possession, without title, thirteen packs of furs belonging to the said William Lampson; and this deponent further saith, that thirteen packs of furs belonging to the said William Lampson, did not come casually into the hands and possession of this deponent and the said Robert Cowie jointly, or into the hands and possession of this deponent, separately, without title, on the eighth day of June last, or on any other day whatsoever, nor did any pack or packs of furs or any furs whatsoever, come casually into the hands and possession of this deponent and Robert Cowie jointly, or into the hands and possession of this deponent separately, without title, either on the eighth day of June last, or on any other day whatsoever, either at the River Portneuf, or at any other place whatsoever; and this deponent further saith, that all the furs which were in the possession of this deponent separately, or in the hands and possession of this deponent and Robert Cowie jointly, at the River Portneuf, on the eighth day of June last, or on any day subsequent thereto up to the sixteenth day of June last inclusive, were furs which had been or were delivered into his or their custody and possession in the due and ordinary course of trade, either in payment of debts due by the proprietors thereof to the Honorable Hudson's Bay Company, or for the purpose of being traded by them with the said Company. And this deponent further saith, that the only furs which he this deponent obtained possession of, either separately or conjointly with William Davis, on the eighth day of June last at the River Portneuf, were certain furs which were delivered on that day at the stores of the said Hudson's Bay Company at Portneuf aforesaid, by William Autseman, Philippe, François, André, Grégoire, Bazile and Louis, all Indians of the Montagnais tribe, in payment of debts due by them or some or one of them to the Hudson's Bay Company, or for the purpose of traffic with the said Company; and this deponent further saith, that he has not and never has had in his possession to his knowledge either separately or conjointly with Robert Cowie, any furs belonging to the said William Lampson; and this deponent further saith, that all the matters of fact con-

tained in the declaration and affidavit of the said William Lampson, of which certified copies are hereunto annexed, as far as they regard this deponent, are and each of them is absolutely false and untrue in every respect; and this deponent further saith, that the said William Lampson hath in and by his said affidavit, of which a copy certified as aforesaid is hereunto annexed, hath committed wilful and corrupt perjury.

(Signed,) WM. DAVIS.

Sworn before me at Quebec, this 5th day of October, 1830,

(Signed,) JOHN DAVIDSON, J. P.

Province of Lower-Canada, }
District of Quebec. }

In the King's Bench.

In the year one thousand eight hundred and thirty, on the twenty-sixth day of June instant, in virtue of a Sheriff's Warrant in trover, *saisie révendication*, issued by the Court of King's Bench, in the Superior Term, at the suit of William Lampson of Quebec, Trader, for the recovery of thirteen packs of Peltries in the hands and possession of William Davis and Robert Cowie, of parts unknown, labourers, I, Joseph Mondion, Bailiff of the Court of King's Bench, repaired for the purpose to the domicile and dwelling wherein the said Peltries were deposited, being the House belonging to Robert Cowie and William Davis, situated at the Post of Portneuf, District of Quebec, No. Where being, I, in the name of the King, and of Justice, commanded him to pay to the said Plaintiff, or to me, Bailiff, in his behalf, the sum of two thousand pounds currency, for the debt, damages, and costs, which he refused to pay: upon which refusal, I notified to him that I would claim and seize the said Peltries, together with his goods and chattles; and, accordingly, I did take, seize, and place in the hands of the King and of Justice, the following effects; namely, four puncheons containing divers Peltries being the contents of the said thirteen packs of Peltries mentioned in the warrant, the said Peltries having been unpacked in order to be put into casks, and such as were pointed out to me by the Plaintiff himself, who directed me to seize the said four puncheons of Peltry, declaring them to be his own property, that is to say, that the said thirteen packs of Peltries were contained in the said puncheons. These being all the goods and chattels which I took, seized, claimed and put into the hands of the King and of Justice, as belonging to the said William Lampson. I appointed as keeper or guardian (*gardien*) of the effects so seized, Joseph Plamondon of St. Francis, trader, who voluntarily took charge thereof as voluntary guardian, and at the same time discharges the Sheriff and his officers from all responsibility and expenses relating to the said guardianship, and the said guardian further became responsible in his own person, to keep the same, and to deliver them up, at all times, and whenever he should be thereunto required by me, the Bailiff undersigned, and the said guardian, hath signed with me these presents, the same having been read.

(Signed,)

JOSEPH MONDION, B. C. K. B.

A true Copy.

JOS. PLAMONDON, B. C. K. B.

Seizure,	£0	4	0
Registering,	0	2	6
Drawing the Record, (<i>procès-verbal</i>),	0	4	0
2 Copies,	0	4	0
Notice,			
Return with opposition,			
Travelling expenses 62 leagues from } Quebec, being 124 leagues, at 1s. 6d. }	9	0	0
	£10	0	6

Province of Lower-Canada, }
District of Quebec. } Court of King's Bench.

William Lampson,
Plaintiff,

vs.

William Davis, and Robert Cowie,
Defendants.

To the Honorable the Justices of His Majesty's Court
of King's Bench for the District of Quebec.

William Lampson of the City, County and District of Quebec, Trader, complaining of William Davis and Robert Cowie, of parts unknown, labourers, by this his declaration doth humbly represent: That heretofore, to wit, on the eighth day of June instant, in the year one thousand eight hundred and thirty, to wit, at the River Portneuf, in that part of the Kings domain land called the King's Post in the District of Quebec, the said Plaintiff was seized and possessed as of his own property of thirteen packs of furs, consisting principally of Beaver skins, and also of Martins, Foxes, Minks and Muskrats of great value, to wit:—of the value of one thousand pounds currency, and being so seized and possessed, he the said Plaintiff lost the possession thereof; and the said thirteen packs of furs came casually into the hands and possession of the said defendants without title, and against the will of the said Plaintiff.

That the said Plaintiff now still is the proprietor of the said thirteen packs of furs, yet that the said defendants well knowing the premises, yet intending and contriving unjustly to deceive and defraud the said Plaintiff, have continued and still do continue to keep and detain the possession of the said thirteen packs of furs, and neglect and refuse to deliver the same to the said Plaintiff, although thereunto often requested.

All which allegations the said Plaintiff doth hereby aver to be true and well founded in fact and in law, and the same will verify, prove and maintain when and as this Honorable Court shall direct.

Wherefore the said Plaintiff prays the process of this Honorable Court, to wit:—a writ of attachment to seize and attach the said thirteen packs of furs, and that the same issue to compel the said Defendants to be and appear in this Honorable Court on Friday the first day of October next, to answer unto him the said Plaintiff of the *demande* contained in the declaration, and that for the causes aforesaid, by the Judgment of this Honorable Court, the said Plaintiff may be declared and adjudged to be the sole and the true owner and proprietor of the said thirteen packs of Furs, and that thereupon the said Defendants may be then and there jointly and severally adjudged and condemned to restore, return and deliver the said thirteen packs of Furs to the said Plaintiff, and to pay to the said Plaintiff, jointly and severally,

the said sum of One thousand pounds currency; and in case the said thirteen packs of Furs should be secreted or lost, and cannot be found or attached, that then the said Defendants be jointly and severally adjudged and condemned to pay and satisfy to the said Plaintiff the sum of Two thousand pounds, lawful current money aforesaid, with legal interest and costs of suit.

Dated the 15th day of June 1830.

A. GUGY,
Attorney for Plaintiff.

Let a Writ of Attachment, *Saisie Révindicative*, issue, as prayed for, Quebec, day of June 1830.

(Endorsed,) William Lampson, the above named Plaintiff, being duly sworn, deposes and saith: That all and every the matters and things in the preceding declaration stated to be matters of fact, are true, and hath signed,
WM. LAMPSON.

Sworn before me, this sixteenth day of June, one thousand eight hundred and thirty, and thereupon let a Writ of Attachment, *Saisie Révindicative*, issue, as prayed for.

J. T. TASCHEREAU,
J. K. B.

Province of Lower-Canada, } William the Fourth, by
District of Quebec. } the Grace of God, of the
United Kingdom of Great Britain and Ireland, King,
Defender of the Faith.

(No.)

To the Sheriff of our District of Quebec,—Greeting:

(L. S.)

We command you, at the instance of William Lampson, of the City of Quebec, in the County of Quebec, in the District of Quebec, Trader, to attach Thirteen packs of Furs, consisting principally of Beaver Skins, and also of Martins, Foxes, Minks and Muskrats, of and belonging to the said William Lampson, and in the hands of William Davis and Robert Cowie, of parts unknown, Labourers, if the same shall be found in your District, to the value of Two thousand pounds currency; and the said Thirteen packs of Furs, consisting principally of Beaver Skins, and also of Martins, Foxes, Minks and Muskrats, so attached safely to hold, keep and detain in your charge and custody, until the attachment thereof, which shall be so made under and by virtue of this Writ, shall determine in due course of Law.

We command you also, to summon the said William Davis and Robert Cowie, to be and appear before us, in our Court of King's Bench, for our District of Quebec, in our City of Quebec, in our said District, on Friday the first day of October next, the said William Davis and Robert Cowie to answer the said William Lampson of the *demande* contained in the annexed Declaration, and then and there to shew, if they have or can say any thing, why in our said Court before us, the Attachment which shall be so made as aforesaid, should not be declared good and valid, and farther to do

do and receive what in our said Court before us, in this behalf shall be considered, and in what manner you shall have executed this Writ, then and there certify unto us, with your doings thereon, and every of them; and have you then and there also this Writ.

Witness the Honorable Jonathan Sewell, our Chief Justice of and for our Province of Lower-Canada, and one of our Justices of our said Court of King's Bench, for our District of Quebec, at our City of Quebec, the sixteenth day of June one thousand eight hundred and thirty, in the eleventh year of our Reign.

(Signed,)

PERRAULT & BURROUGHS,
P. B. R.

In obedience to this Writ to me directed, I have, at the instance of William Lampson, on the twenty-sixth day of June last, attached the articles and effects mentioned and set forth in the *Procès-Verbal* hereunto annexed, as belonging to the within named William Lampson, which were found in my District, and the said articles and effects so attached I now safely hold, keep and detain in my charge and custody.

I have also summoned the said William Davis and Robert Cowie, by serving, upon the twenty-sixth day of June last, on the said William Davis and Robert Cowie, both personally, and respectively at the place called Portneuf, in the County of Northumberland, in the District of Quebec, a Copy of the said Writ and a Copy of the Declaration hereunto annexed. I further certify that the distance between this place at which the said Writ and Declaration were served, and the Court House of this District, is about sixty-two leagues.

Quebec, the 9th day of September 1830.

(Signed,) W. M. S. SEWELL,
Sheriff.

Sheriff's Fee, 10s.
Disbursements, £10 0 6.

(Endorsed.)

In the King's Bench.

No. 1212.

William Lampson, Plaintiff,

vs.

William Davis and Robert Cowie, Defendants.

Declaration of a *demande* for Two thousand pounds, in an Action of *Révendication*. Messrs. William Davis and Robert Cowie, you are served with this process to the intent that you may appear either in person or by Attorney, at His Majesty's Court of King's Bench, for the District of Quebec, at the return thereof, being the first day of October next, in order to your defence in this Action.

Dated the fiftenth day of June one thousand eight hundred and thirty.

A. GUGY,
Atty. for P_lf.

A true Copy from the Originals remaining of Record in our Office.

Quebec, 4th October 1830.

(Signed,) PERRAULT & BURROUGHS,
P. B. R.

Province of Lower-Canada, }
District of Quebec, }

Philippe, an Indian, of the Montagnais Tribe, being duly sworn upon the Holy Evangelists, through the medium of Elie Boucher, an Interpreter, duly sworn to interpret truly, doth depose and say: That he was present at the place called Portneuf, on the River Portneuf, in the earlier part of June last, when a large quantity of Furs were delivered by William Autseman, André, François, Grégoire, Bazile et Louis, by this Deponent, all Indians of the same Tribe, to Mr. Robert Cowie and William Davis, at the Stores of Hudson's Bay Company at Portneuf aforesaid; That all the said Furs were the property either of this Deponent or of one or other of the Indians above named, and that none of the said Furs had ever been in the possession of the said William Lampson, or of any other person on his account; That all the said Furs were delivered by the said Indians above named, and this Deponent to the said Robert Cowie and William Davis, either in the payment of debts due by some or one of them, to the said Hudson's Bay Company, or for the purpose of trading them with the said Hudson's Bay Company, and this Deponent declares he cannot sign his name.

PHILIPPE, his mark ✕

Sworn before me at Quebec, this 5th day of October 1830.

(Signed,) JOHN DAVIDSON,
J. P.

Province of Lower-Canada,
Quebec, to wit.

François, an Indian, of the Montagnais Tribe, being duly sworn, upon the Holy Evangelists, through the medium of Elie Boucher, Interpreter, duly sworn to interpret truly, doth depose and say: That he was present at the place called Portneuf, on the River Portneuf, in the early part of June last, when a large quantity of Furs were delivered by William Autseman, Philippe, André, Grégoire, Bazile and Louis, and by this Deponent, all Indians of the same Tribe, to Mr. Robert Cowie and William Davis, at the Stores of the Hudson's Bay Company at Portneuf aforesaid; That all the said Furs were the property of one or other of the said Indians or of this Deponent, and that none of the

the said Furs had ever been in the possession of the said William Lampson or of any other person on his account; that all the said Furs were delivered by the said persons above named, and this Deponent to the said Robert Cowie and William Davis, either in the payment of debts due by some or one of them, to the said Hudson's Bay Company, or for the purpose of trading them with the said Hudson's Bay Company.

(Signed,) FRANCOIS.

Sworn before me at Quebec, this 5th October 1830.

(Signed,) JOHN DAVIDSON,
J. P.

Province of Lower-Canada, }
Quebec Ss. }

Elie Boucher, of the City of Quebec, mariner, (*voyageur*), being duly sworn upon the Holy Evangelists, deposes and saith that he was personally present on the eighth of June last at Portneuf, when François, Philippe, André, Gregorie, Bazile, Louis, and William Autseman, all Indians of the Montagnard tribe, delivered a quantity of Peltries to Robert Cowie and William Davis in the warehouse of the Hudson Bay Company, and that the said Indians did not deliver to the said Robert Cowie and William Davis any other Furs in the month of June, between the eighth and the sixteenth of the said month, at Portneuf aforesaid.

(Signed,) ELIE BOUCHER.

Sworn at Quebec,
the 5th October 1830.

(Signed,) JOHN DAVIDSON, J. P.

A true Copy.

GREEN & PERRAULT,
Clerks of the Peace.

No 2.

Province of Lower Canada, }
District of Quebec, to wit: }

At His Majesty's Court of King's Bench for the District of Quebec, begun and holden at the Court House in the City of Quebec, for the cognizance of all crimes and criminal offences, on Tuesday the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty, and in the first year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, before the Honorable Jonathan Sewell, Esquire, Chief Justice of the Province of Lower Canada, and the Honorable James Kerr, Edward Bowen, and Jean Thomas Taschereau, Esquires, Justices of His Majesty's Court of King's Bench. Quebec, to wit:—The Jurors for our Lord the King upon their oath present, that Robert Christie, Esquire, one of the Justices of

our Lord the now King, assigned to keep the peace of our said Lord the King, in and for the District of Quebec, and also to hear and determine divers felonies, trespasses, and other offences, in the same District of Quebec committed, on the tenth day of July, in the first year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, at the Parish of Quebec, in the County of Quebec, in the said District of Quebec, made his certain Warrant in writing, under his hand and seal, bearing date the day and year last aforesaid, and directed to Charles Prevost, and to the Constables of the City and County of Quebec, in the said District of Quebec, and to all others the Officers and Ministers of our said Lord the King within the said District, and to every of them, whereby after reciting that Peter McLeod, Senr. (to wit, Senior, to wit, the Elder,) of the place called Portneuf, in the District of Quebec, stood charged on oath, with others before him, (to wit, before him the said Robert Christie,) with having at the said place called Portneuf, on the twenty-fourth day of May then last, feloniously and violently assaulted and beaten Robert Cowie, Chief Trader for the Hudson's Bay Company at Portneuf aforesaid, on the King's Highway, putting him in fear, and feloniously stolen, taken and carried away, sixty pounds of Flour, thirty pounds of Biscuit, thirty pounds of Pork, twenty pounds of Hogslard, five gallons of Rum, five pounds of Tobacco, and six tobacco pipes, of the value in all of three pounds currency and upwards, of the goods, chattels, and effects of the Hudson's Bay Company, and one fowling piece, of the value of two pounds currency, of the goods, chattels and effects of one William Davis, against the peace, he the said Robert Christie, in His Majesty's name, authorized and commanded the said Charles Prevost, and other, the Officers and Ministers of our said Lord the King, within the said District (to wit, within the said District of Quebec,) and every of them, forthwith to apprehend the said Peter McLeod, Senr., (to wit, Senior, to wit, the Elder,) and to bring him before him, (to wit, him the said Robert Christie,) to answer unto such complaint and to be further dealt with according to law, which same warrant on the said tenth day of July, in the first year aforesaid, at the Parish of Quebec aforesaid, in the County of Quebec aforesaid, in the District of Quebec aforesaid, was delivered to the said Charles Prevost, to be executed in due form of law; and the jurors aforesaid, upon their oath aforesaid, do further present, that Peter McLeod, the elder, late of a certain extra-parochial place, to wit, of a place called Jeremie, in the County of Saguenay, in the said District of Quebec, Gentleman, Peter McLeod, the younger, late of a place called Jeremie, Gentleman, Jacob Trembay, late of the said place called Jeremie, Labourer, Michel Simard, late of the said place called Jeremie, Labourer, and François Desbrens, late of the said place called Jeremie, Labourer, together with divers other evil disposed persons, to the number of one hundred and more, to the Jurors aforesaid as yet unknown, afterwards, to wit, on the twentieth day of July, in the first year aforesaid, with force and arms, to wit, with guns, fusils, sabres, swords, pistols, bludgeons, and other offensive weapons, at the said place called Jeremie, in the County of Saguenay, aforesaid, in the District of Quebec aforesaid, did unlawfully, riotously, routously, and tumultuously assemble and gather together to disturb the peace of our said Lord the King, and being so then and there assembled and gathered together, and well knowing that the said Warrant had been so as aforesaid made by the said Robert Christie, being such Justice as aforesaid,
and

and that the same had been delivered to the said Charles Prevost, to be executed as aforesaid, and when the said Charles Prevost was then and there proceeding to arrest the said Peter M'Leod, the elder, according to the exigency of the said Warrant in and upon the said Charles Prevost, in the peace of God and of our said Lord the King, and in the due execution of the said Warrant then and there being, did then and there riotously and routously make an assault, and then and there with force and arms, unlawfully, riotously and routously did prevent the said Charles Prevost from arresting the said Peter M'Leod, the elder, as by the said Warrant he was commanded, and did oppose and prevent the execution of the said Warrant, and other wrongs to the said Charles Prevost, then and there riotously and routously did, in contempt of our said Lord the King and His laws, to the great hindrance of justice, to the evil example of all others, and against the peace of our said Lord the King, His Crown and Dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that Robert Christie, Esquire, one of the Justices of our said Lord the King, assigned to keep the Peace of our said Lord the King, in and for the District of Quebec, and also to hear and determine divers felonies, trespasses and other offences in the same District of Quebec, committed on the said tenth day of July, in the first year aforesaid, at the Parish of Quebec aforesaid, made his certain warrant in writing under his hand and seal, bearing date the day and year last aforesaid, directed to Charles Prevost, and to the Constables of the City and County of Quebec, in the said District of Quebec, and to all others the Officers and Ministers of our said Lord the King, within the said District, and to every of them, whereby after reciting that Peter M'Leod, Senr., (to wit, Senior, to wit, the elder,) of the place called Portneuf, in the District of Quebec, stood charged on oath with others before him, (to wit, before him the said Robert Christie,) with having at the said place called Portneuf, on the twenty-fourth day of May then last, feloniously and violently assaulted and beaten Robert Cowie, Chief Trader for the Hudson's Bay Company at Portneuf aforesaid, on the King's Highway, putting him in fear and feloniously stolen, taken and carried away sixty pounds of flour, thirty pounds of biscuit, thirty pounds of pork, twenty pounds of hog's lard, five gallons of rum, five pounds of tobacco, and six tobacco pipes, of the value in all of three pounds currency, and upwards, of the goods, chattels, and effects of the Hudson's Bay Company, and one fowling piece of the value of two pounds currency, of the goods, chattels and effects of one William Davis, against the peace, he the said Robert Christie, in His Majesty's name, authorized and commanded the said Charles Prevost, and other the Officers and Ministers of our said Lord the King, within the said District, (to wit, within the said District of Quebec,) and every of them forthwith to apprehend the said Peter M'Leod, Senr., (to wit, Senior, to wit, the elder,) and to bring him before him, (to wit, him the said Robert Christie,) to answer unto such complaint, and to be further dealt with according to law, which same warrant on the said tenth day of July, in the first year aforesaid, at the Parish of Quebec aforesaid, was delivered to the said Charles Prevost, to be executed in due form of law: And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Peter M'Leod, the elder, Peter M'Leod, the younger, Jacob Tremblay, Michel Simard, and Francois Desbiens, together with divers other evil disposed persons to the number of one hundred and more, to the Jurors aforesaid as yet unknown, afterwards, to wit, on the said twentieth day of July, in the first year afore-

said, with force and arms, to wit, with guns, fusils, sabres, swords, pisto's, axes, bludgeons and other offensive weapons, at the said place called Jeremie, in the County of Saguenay aforesaid, in the District of Quebec aforesaid, did unlawfully, riotously, routously and tumultuously assemble and gather together to disturb the peace of our said Lord the King; and being so then and there assembled and gathered together, and well knowing that the said last mentioned warrant had been as aforesaid made by the said Robert Christie, being such Justice as aforesaid, and that the same had been delivered to the said Charles Prevost to be executed as aforesaid, and when the said Charles Prevost was then and there proceeding to arrest the said Peter M'Leod, the elder, according to the exigency of the said last mentioned Warrant, did then and there, with force and arms, unlawfully, riotously and routously prevent the said Charles Prevost from arresting the said Peter M'Leod, the elder, as by the warrant he was commanded, and oppose and prevent the execution of the said Warrant, and other wrongs to the said Charles Prevost then and there riotously and routously did, in contempt of our said Lord the King and His laws, to the great hindrance of justice, to the evil example of all others, and against the peace of our said Lord the King, His Crown and Dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Peter M'Leod, the elder, Peter M'Leod, the younger, Jacob Tremblay, Michel Simard, and Francois Desbiens, together with divers other evil disposed persons, to the number of one hundred and more, to the Jurors aforesaid as yet unknown, on the said twentieth day of July, in the first year aforesaid, with force and arms, at the said place called Jeremie, in the County of Saguenay aforesaid, in the District of Quebec aforesaid, did unlawfully, riotously, routously and tumultuously assemble and gather together to disturb the peace of our said Lord the King; and being so then and there assembled and gathered together, did then and there make noises, riot, tumult and disturbance, and then and there unlawfully, riotously, routously and tumultuously remained and continued together, making such noises, riot, tumult and disturbance for a long space of time, to wit, for the space of three hours and more then next following, to the great terror and disturbance not only of the liege subjects of our said Lord the King there, and thereabouts inhabiting, but of all the other liege subjects of our said Lord the King, there passing and repassing in and along the King's common highway there, in contempt of our said Lord the King, and His laws, and against the peace of our said Lord the King, His Crown and Dignity: And the Jurors upon their oath aforesaid, do further present, that Robert Christie, Esquire, one of the Justices of our said Lord the King, assigned to keep the peace of our said Lord the King, in and for the said District of Quebec, and also to hear and determine divers felonies, trespasses and other offences, in the same District of Quebec committed, on the said tenth day of July, in the first year aforesaid, at the Parish of Quebec aforesaid, made his certain warrant in writing, under his hand and seal, bearing date the day and year last aforesaid, and directed to Charles Prevost, and the Constables of the City and County of Quebec, in the said District of Quebec, and to all others the Officers and Ministers of our said Lord the King, within the said District, and to every of them, whereby after reciting that Peter M'Leod, Senr., (to wit, Senior, to wit, the Elder,) of the place called Portneuf, in the District of Quebec, stood charged on oath with others, before him, (to wit, before him the said Robert Christie,) with having at the said place called Portneuf, on the

twenty-fourth day of May then last, feloniously and violently assaulted and beaten Robert Cowie, Chief Trader for the Hudson's Bay Company at Portneuf aforesaid, on the King's Highway, putting him in fear, and feloniously stolen, taken and carried away sixty pounds of flour, thirty pounds of biscuit, thirty pounds of pork, twenty pounds of hogslard, five gallons rum, five pounds of tobacco and six tobacco pipes, of the value in all of three pounds currency and upwards, of the goods, chattels and effects of the Hudson's Bay Company, and one fowling piece of the value of two pounds currency, of the goods, chattels and effects of one William Davis, against the peace, he, the said Robert Christie, in His Majesty's name, authorized and commanded the said Charles Prevost, and other the Officers and Ministers of our said Lord the King, within the said District, (to wit, within the said District of Quebec,) and every of them, forthwith to apprehend the said Peter M'Leod, Senr., (to wit, Senior, to wit, the Elder,) to answer to such complaint, and to be further dealt with according to law; which same warrant on the said tenth day of July, in the first year aforesaid, at the Parish of Quebec aforesaid, in the County of Quebec aforesaid, in the District of Quebec aforesaid, was delivered to the said Charles Prevost, to be executed in due form of law: And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Charles Prevost, by virtue of the said last mentioned warrant, was then and proceeding to arrest the said Peter M'Leod, according to the exigency of the said Warrant, and that the said Peter M'Leod, the Elder, Peter M'Leod, the Younger, Jacob Tremblay, Michel Simard, and François Desbiens, well knowing the premises, afterwards, to wit, on the said twentieth day of July in the first year aforesaid, with force and arms, at the said place called Jeremie, in the County of Saguenay aforesaid, in the District of Quebec aforesaid, in and upon the said Charles Prevost, (in the peace of God and of our said Lord the King, and in the due execution of the said Warrant, then and there being,) did make an assault, and did then and there imprison him, keep and detain him in prison for a long time, to wit, for the space of two hours, then next following, with force and arms did then and there violently prevent the said Charles Prevost from arresting the said Peter M'Leod, the elder, as by the same warrant he was commanded, and then and there unlawfully, contemptuously, and maliciously opposed and prevented the execution of the said warrant, and other wrongs to the said Charles Prevost, then and there did in contempt of our said Lord the King and His laws, to the great hindrance of justice, to the evil example of all others, and against the peace of our said Lord the King, His Crown and Dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Peter M'Leod, the elder, Peter M'Leod, the younger, Jacob Tremblay, Michel Simard and François Desbiens, on the said twentieth day of July, in the first year aforesaid, with force and arms, at the said place called Jeremie, in the County of Saguenay aforesaid, in the District of Quebec aforesaid, in and upon the said Charles Prevost, in the peace of God and of our said Lord the King then and there being, did make an assault and him the said Charles Prevost then and there did beat, wound, and ill-treat, and other wrongs to the said Charles Prevost then and there did, to the great damage of the said Charles Prevost, and against the peace of our said Lord the King, His Crown and Dignity.

J. STUART,
Attorney General.

Certified.

W. GREEN, Clk. Crown.

Thus endorsed:

Court of King's Bench, Quebec.

September Term, 1830.

The King.

agst.

Peter M'Leod, the Elder, Peter M'Leod, the Younger, Jacob Tremblay, Michel Simard, and François Desbiens.

True Bill.

W. G. SHEPPARD.

Foreman.

Indictment for a riot, and forcibly opposing and preventing the execution of a Warrant of a Justice of the Peace.

Witnesses:—Chas. Prevost, Jos. Barras, John Schilling.

No. 3.

Province of Lower Canada, }
District of Quebec, to wit: }

At His Majesty's Court of King's Bench for the District of Quebec, begun and holden at the Court-House, in the City of Quebec, for the cognizance of all Crimes and Criminal offences on Tuesday the twenty first day of September, in the year of our Lord one thousand eight hundred and thirty, and in the first year of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, before the Honorable Jonathan Sewell, Esquire, Chief Justice of the Province of Lower Canada, and the Honorable James Kerr, Edward Bowen, and Jean Thomas Taschereau, Esquires, Justices of His Majesty's said Court of King's Bench. Quebec, to wit:—The Jurors for our Lord the King upon their oath present, that Peter McLeod, late of the Seigniory of Mille Vaches, in the County of Saguenay, in the District of Quebec, Gentleman, Robert Martin Brownson late of the same Seigniory, Gentleman, Peter McLeod the younger, late of the same Seigniory, Gentleman, Michel Simard, late of the same Seigniory, Labourer, Joseph Plamondon, late of the same Seigniory, Labourer, Alexander Schmidt, late of the same Seigniory, Labourer, Jean Baptiste Schmidt, late of the same Seigniory, Labourer, Oxibie Bergeron, late of the same Seigniory, Labourer, and Jacques Sylvestre, late of the same Seigniory, Labourer, on the twenty-fourth day of May in the eleventh year of the Reign of our late Sovereign Lord George the Fourth, heretofore of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force and arms, at the Seigniory aforesaid, in the County aforesaid, in the District aforesaid, in and upon one Robert Cowie in the peace of God and of our said Lord the King then and there being, feloniously did make an assault and him the said Robert Cowie in bodily fear of his life then and there feloniously did put, and sixty pounds of flour of the value of fourteen shillings, sterling money of Great Britain, thirty pounds of Biscuit of the value of seven shillings, sterling money aforesaid, thirty pounds of Pork of the value of twelve shillings, sterling money aforesaid, twenty pounds of Hogslard of the value of nine shillings, sterling money aforesaid,

five

five gallons of rum of the value of sixteen shillings sterling money aforesaid, five pounds of tobacco of the value of four shillings sterling money aforesaid, of the goods and chattels of the Governor and Company of Adventurers of England trading to Hudson's Bay, and one Gun of the value of thirty five shillings, sterling money aforesaid, of the goods & chattels, of one William Davis, from the person and against the will of the said Robert Cowie, then and there feloniously and violently did steal, take and carry away against the peace of our said Lord the King, His Crown and Dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Peter McLeod, Robert Martin Brownson, Peter McLeod the Younger, Michel Simard, Joseph Plamondon, Alexander Schmidt, Jean Baptiste Schmidt, Oxibie Bergeron, and Jacques Sylvestre, on the said twenty fourth day of May, in the eleventh year aforesaid, with force and arms, at the Seigniorie aforesaid, in the County aforesaid, in the District aforesaid, in and upon the said Robert Cowie in the peace of God and of our said Lord the King then and there being, feloniously did make an assault and him the said Robert Cowie in bodily fear and danger of his life then and there feloniously did put, and sixty pounds of flour of the value of fourteen shillings sterling money aforesaid, thirty pounds of biscuit of the value of seven shillings sterling money aforesaid, thirty pounds of pork of the value of twelve shillings sterling money aforesaid, five gallons of rum of the value of sixteen shillings sterling money aforesaid, five pounds of tobacco of the value of four shillings sterling money aforesaid, of the goods and chattels of the said Robert Cowie, and one gun of the value of thirty five shillings, sterling money aforesaid, of the goods and chattels of the said William Davis, from the person and against the will of the said Robert Cowie, then and there feloniously and violently did steal, take and carry away, against the peace of our said Lord the King, His Crown and Dignity.

J. STUART,
Attorney General.

W. GREEN, C. C.

Certified,

W. GREEN,

Clerk of the Crown.

Thus endorsed;

Court of King's Bench, Quebec.

September Term, 1830.

The King

agt.

Peter McLeod, Robert Martin Brownson, Peter McLeod the Younger, Michel Simard, Joseph Plamondon, Alexander Schmidt, Jean Baptiste Schmidt, Oxibie Bergeron, and Jacques Sylvestre.

Indictment for Robbery,

No Bill.

(Signed,) W. G. SHEPPARD,
Foreman.

Witnesses:

Robert Cowie, Noël Marcoux, Jean Baptiste Rouillard, William Davis.

Certified, W. GREEN, C. C.

No. 4.

Province of Lower-Canada,
District of Quebec, to wit. }

At His Majesty's Court of King's Bench, for the District of Quebec, begun and holden at the Court House in the City of Quebec, for the cognizance of all crimes and criminal offences, on Tuesday the twenty first day of September, in the year of Our Lord one thousand eight hundred and thirty, and in the first year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, Before the Honorable Jonathan Sewell, Esquire, Chief Justice of the Province of Lower Canada, and the Honorable James Kerr, Edward Bowen, and Jean Thomas Taschereau, Esquires, Justices of His Majesty's said Court of Quebec, to wit.—The Jurors for our Lord the King, upon their oath, present, that Peter McLeod the elder, late of a certain extra parochial place, to wit, of Portneuf, in the County of Saguenay, in the District of Quebec, Gentleman, Robert Martin Brownson, late of the same place, Gentleman, Peter McLeod, the younger, late of the same place, Gentleman, Michel Simard, late of same place, labourer, Jacques Sylvestre, late of the same place, labourer, Oxibie Bergeron, late of the same place, labourer, Jean Baptiste Schmidt, late of the same place, labourer, Alexander Schmidt, late of the same place, labourer, and Joseph Plamondon, late of the same place, labourer, together with divers other evil disposed persons to the number of ten and more, to the jurors aforesaid as yet unknown, on the twenty fourth day of May in the eleventh year of the reign of our late Sovereign Lord George the Fourth, heretofore of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force and arms at the said extra parochial place called Portneuf, in the County of Saguenay, in the District of Quebec, did unlawfully, riotously, routously and tumultuously assemble and gather together to disturb the peace of our said Lord the King; and being so then and there assembled and gathered together, in and upon one Robert Cowie, one Elie Bouchard, and one Jean Baptiste Rouillard, and divers other persons whose names to the Jurors aforesaid are unknown, in the peace of God and our said Lord the King then and there being, unlawfully, riotously and routously, did make an assault, and them the said Robert Cowie, Elie Bouchard, and Jean Baptiste Rouillard and the said other persons, did beat, wound, and ill treat, and divers goods and chattels, to wit, sixty pounds of flour of the value of fourteen shillings, sterling money of Great Britain, thirty pounds of Biscuit of the value of seven shillings sterling money aforesaid; thirty pounds of pork of the value of twelve shillings, sterling money aforesaid, twenty pounds of Hogslard of the value of nine shillings, sterling money aforesaid, five gallons of rum of the value of sixteen shillings sterling money aforesaid, five pounds of tobacco of the value of five shillings sterling money aforesaid, six clay tobacco pipes of the value of three pence sterling money, and one gun of the value of thirty six shillings, sterling money aforesaid, in the lawful custody and possession of the said Robert Cowie then and there being, unlawfully, riotously, and routously and against the will of the said Robert Cowie, did seize and take from and out of the said custody and possession of the said Robert Cowie, and the said goods and chattels did then and there unlawfully, riotously and routously, and against the will of the said Robert Cowie, remove and carry away and the same have since kept and detained, and converted to their own use, whereby the said Robert Cowie hath been wholly deprived of and hath lost the same, and other wrongs to the said Robert Cowie then and there did, to the great damage of the said Robert Cowie, in contempt of our said Lord the late King and His Heirs, to the evil example of all others, and against the peace of our Lord the late King, His Crown and Dignity; And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Peter McLeod, the elder, Robert Martin Brownson, Peter McLeod, the younger, Michel Simard, Jacques Sylvestre, Oxibie Bergeron, Jean Baptiste Schmidt, Alexander Schmidt, and Joseph Plamondon, together with divers other evil disposed persons, to the number of ten and more, to the jurors aforesaid as yet unknown, on the said twenty fourth day of May, in the eleventh year aforesaid, with force and arms at the said extra parochial place called Portneuf in the County aforesaid, in the District aforesaid, did unlawfully, riotously, routously and tumultuously assemble and gather together to disturb the peace of our said Lord the late King, and being so assembled and gathered together, in and upon the said Robert Cowie, Elie Bouchard and Jean Baptiste Rouillard, and divers other persons whose names to the jurors aforesaid are unknown in the peace of God and of our said Lord the King then and there being, unlawfully, riotously and routously did make an assault, and the said Robert Cowie, Elie Bouchard and Jean Baptiste Rouillard, and the said other persons, did beat, wound, and ill treat, and divers goods and chattels, to wit, sixty pounds of flour of the value of fourteen shillings, sterling money of Great Britain, thirty pounds of biscuit of the value of seven shillings, sterling money aforesaid, thirty pounds of pork of the value of twelve shillings, sterling money aforesaid, twenty pounds of Hogslard of the value of nine shillings, sterling money aforesaid, five gallons of rum of the value of sixteen shillings sterling money aforesaid, five pounds of tobacco of the value of five shillings sterling money aforesaid, six clay pipes of the value of three pence sterling money aforesaid, belonging to and being the proper goods and chattels of the Governor and Company of Adventurers of England, trading unto Hudson's Bay, and then and there being, in the law-
ful

ful custody of the said Robert Cowie, unlawfully, riotously and routously and against the will of the said Robert Cowie, did seize and take from and out of the custody of the said Robert Cowie, and from and out of the lawful possession of the said Governor and Company of Adventurers of England trading into Hudson's Bay, and the said last mentioned goods and chattels, did then and there unlawfully, riotously and routously, and against the will of the said Robert Cowie, remove and carry away, and the same have since kept and detained and converted to their own use, whereby the said Governor and Company of Adventurers of England trading into Hudson's Bay, have been wholly deprived of, and have lost the same, and other wrongs to the said Robert Cowie, and the said Governor and Company of Adventurers of England, then and there did, to the great damage of the said Robert Cowie and of the said Governor and Company, in contempt of our said Lord the King and His laws, to the evil example of all others, and against the peace of our said Lord the late King, His Crown and Dignity: And the Jurors aforesaid, upon their oath aforesaid, do further present, that Peter M'Leod, the Elder, Robert Martin Brownson, Peter M'Leod, the Younger, Michel Simard, Jacques Sylvestre, Oxtibie Bergeron, Jean Baptiste Schmidt, Alexander Schmidt and Joseph Plamondon, together with divers other evil disposed persons to the number of ten and more to the Jurors aforesaid as yet unknown, on the said twenty-fourth day of May in the eleventh year aforesaid, with force and arms, at the said extra-parochial place called Portneuf aforesaid, in the County aforesaid, in the District aforesaid, did unlawfully, riotously, routously and tumultuously assemble and gather together to disturb the peace of our Lord the King, and being so then and there assembled and gathered together, did then and there make great noises, riot, tumult, and disturbance, and then and there unlawfully, riotously, routously, and tumultuously remained and continued together, making noises, riot, tumult and disturbance for a long space of time, to wit, for the space of two hours and more, then next following, to the great terror and disturbance not only of the liege subjects of our Lord the King there and thereabouts inhabiting, residing and being, but of all the other liege subjects of our said Lord the King there passing and repassing in and along the King's common Highways there, in contempt of our said Lord the late King and His said laws, to the evil example of all others, and against the peace of our said Lord the late King, His Crown and Dignity: And the Jurors aforesaid upon their oath aforesaid, do further present, that the said Peter M'Leod, the Elder, Robert Martin Brownson, Peter M'Leod, the Younger, Michel Simard, Jacques Sylvestre, Oxtibie Bergeron, Jean Baptiste Schmidt, Alexander Schmidt, and Joseph Plamondon, on the said twenty-fourth day of May, in the eleventh year aforesaid, with force and arms at the said extra-parochial place called Portneuf, in the County aforesaid, in the District aforesaid, in and upon one Robert Cowie, one Elie Bouchard, and one Jean Baptiste Rouillard in the peace of God and of our said Lord the King, then and there did beat, bruise, wound, and ill treat, and other wrongs to the said Robert Cowie, Elie Bouchard, and Jean Baptiste Rouillard then and there did, to the great damage of the said Robert Cowie, Elie Bouchard, and Jean Baptiste Rouillard, and against the peace of our said Lord the late King, His Crown and Dignity.

(Signed,) JAMES STUART,
Attorney General.
W. GREEN, C. C.

Certified,
W. GREEN, Clk. Crown.

Thus indorsed.

Court of King's Bench,
Quebec, September Term 1830.

The King agst. Peter M'Leod, the Elder, Robert Martin Brownson, Peter M'Leod the Younger, Michel Simard, Jacques Sylvestre, Oxtibie Bergeron, Jean Baptiste Schmidt, Alexander Schmidt, and Joseph Plamondon.—Indictment for a riot, assaulting and beating one Robert Cowie, and others, forcibly taking from and out of the lawful custody and possession of the said Robert Cowie, divers goods and chattels, and converting the same to their own use.—Plea, not guilty.

Witnesses:—Robert Cowie, Elie Bouchard, J. B. Rouillard, Elie Boucher.

True Bill.
(Signed,) W. G. SHEPPARD,
Foreman.

[G.]

NOTE.—This document is an exact copy of the "Sketch or account of the King's Domain Lands, generally known by the name of the "King's Posts," being No. 5 under Appendix C.

[H.]

Province of Lower-Canada, } In the King's Bench.
District of Quebec. }

James T. S. Stuart of Ardagh in the County of Mayo, in that part of the United Kingdom of Great

Britain and Ireland, called Ireland, Esquire, Mary Stuart of Westbury upon Tryne in the County of Gloucester in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster, William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland called England, Esquire, Henrietta Guichaud of the City, County and District of Quebec, widow of the late Honorable Thomas Dunn, in his lifetime one of the Executive and Legislative Councillors for the Province of Lower Canada, and *commune en biens* with him, Thomas Dunn and William Dunn, both of the City of London in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires; Margaret Bell of the City, County and District of Quebec, widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Anne Catharine Dunn and Frances Sarah Dunn, her minor children, issue of her Marriage with the said Robert Dunn deceased, and heirs of the said Robert Dunn, John Greenshields of Kerse in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City, County and District of Quebec, Esquire, and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councillors in and for the said Province of Lower Canada,
Plaintiffs.

vs.

William Lampson of the City, County and District of Quebec, Merchant,
Defendant.

We appear for the above named Plaintiffs, and demand against the above named Defendant a Writ of Summons *ad respondendum* directed to the Sheriff of the District of Quebec, in an action of trespass *ré-intégrande* and damages for £5000, currency, returnable on the first day of February Term next.
Quebec, 26th January, 1831.

(Signed,) PRIMROSE & BELL.

(Endorsed,) In the King's Bench, No. 1623, James T. S. Stuart & al: Plaintiffs, vs. William Lampson, Defendant—*Precipe* filed this 27th January, 1831, P. & B. Primrose & Bell.

Province of Lower-Canada, } In the King's Bench.
District of Quebec. }
No. 1623.

James T. S. Stuart & al: Plaintiffs.

vs.

William Lampson, Defendant.

To the Honorable the Justices of His Majesty's Court of King's Bench for the District of Quebec.

James T. S. Stuart of Ardagh in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland, Esquire; Mary Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain, and Ireland called England, Spinster; William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland called England, Esquire; Henrietta Guichaud of the City, County and District of Quebec, widow of the late Honorable Thomas Dunn in his lifetime one of the Executive and Legislative Councillors
for

for the Province of Lower Canada, and *commune en biens* with him, Thomas Dunn and William Dunn, both of the City of London in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire; Margaret Bell of the City, County and District of Quebec, widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Anne Catherine Dunn and Frances Sarah Dunn, her minor children, issue of her Marriage with the said Robert Dunn deceased, and heirs of the said Robert Dunn; John Greenshields of Kerse in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City, County and District of Quebec, Esquire, and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councillors in and for the said Province of Lower Canada, complaining of William Lampson of the City, County and District of Quebec, Merchant, by this their declaration, do humbly represent; That whereas the said Plaintiffs in their own right and in their qualities aforesaid, on the twenty-seventh day of October one thousand eight hundred and thirty, and long before, were seized and peaceably possessed of and in all that certain Fief and Seigniorship of Mille-Vaches, situated, lying and being on the north side of the River St. Lawrence, in the said District of Quebec, containing three leagues in front by four leagues in depth, bounded in front by the River St. Lawrence, and in the rear and on both sides, by ungranted Lands of the Crown, and also of and in all that certain tract of Land hereinafter described, making part and parcel of the said Fief and Seigniorship of Mille-Vaches, that is to say, of and in all that certain tract of land situated in the said Fief and Seigniorship of Mille-Vaches at the distance of about twenty-one arpents from the Church up the River Portneuf, on the west side of the said last mentioned River, containing about three arpents in front by about three arpents in depth, and bounded in front by the said River Portneuf, and in depth and on both sides by woodland making part of the said Fief and Seigniorship of Mille-Vaches; and the said Plaintiffs in their own right and in their qualities aforesaid, being so seized and possessed of and in the said Seigniorship of Mille-Vaches, and of the said tract of land making part and parcel of the said Fief and Seigniorship; the said Defendant afterwards, to wit; on the day and year aforesaid, at the Fief and Seigniorship of Mille-Vaches aforesaid, in the District of Quebec aforesaid, with force and arms broke into and entered upon the said tract of land, and then and there with axes, hatchets, mattocks and other iron instruments, cut down, felled down, grubbed up, prostrated and destroyed the timber trees and other trees of the said Plaintiffs in their own right and in their qualities aforesaid, growing and being on the said tract of land; and the same timber trees and other trees with the materia's thereof coming and being carried away and converted and disposed thereof to their own use, and also then and there and on divers other days and times between the day last mentioned, and the day of exhibiting this Declaration and suing out process of Summons thereon at the Fief and Seigniorship of Mille-Vaches aforesaid, with spades, shovels and pickaxes, subverted, dug up, took up and removed the soil, earth, gravel, rocks and stones then and there being, and made divers large holes therein, and then and there made, erected and built, and caused and procured to be made, erected and built a certain dwelling house and other buildings, and then and there fenced off and enclosed part of the said tract of land, and then and there hunted and fowled in and upon the said Fief and Seigniorship without the

leave or license and against the will of the said Plaintiffs in their own right and in their qualities aforesaid; and then and there with force and violence, expelled, put out and amoved the said Plaintiffs in their own right and in their qualities aforesaid, from and out of the possession, use and occupation of the said tract of land, and from thence hitherto have kept and continued and still do keep and continue them so expelled, put out and amoved from the use, possession and occupation thereof, and other wrongs to the said Plaintiffs in their own right and in their qualities aforesaid, then and there did to the damage of the said Plaintiffs in their own right and in their qualities aforesaid, of Five thousand pounds lawful current money of the Province of Lower Canada. All which allegations the said Plaintiffs in their own right and in their qualities aforesaid, do hereby aver to be true and well founded in fact and in law, and the same will verify, prove, and maintain, when and as this Honorable Court shall direct.

Wherefore the said Plaintiffs pray the Process of this Honorable Court, to wit: a Writ of Summons *ad respondendum*, and that the same issue to compel the said Defendant to be and appear in this Honorable Court on Tuesday the first day of February next, to answer unto the said Plaintiffs in their own right and in their qualities aforesaid, of the *Demande* contained in this Declaration, and that for the causes aforesaid, by the Judgment of this Honorable Court, William Lampson, the said Defendant, may be then and there adjudged and condemned to restore and deliver up to the said Plaintiffs in their own right and in their qualities aforesaid, the said tract of land herein before described, with the dwelling house and all and every the buildings thereon erected, and all and every the appurtenances thereof; and that they the said Plaintiffs in their own right and in their qualities aforesaid, may be fully re-instated (*réintégré*) in the possession and occupation of the same, and that the said William Lampson may be also then and there adjudged and condemned to pay and satisfy to the said Plaintiffs in their own right and in their qualities aforesaid, the said sum of Five thousand pounds lawful current money aforesaid, as and for their damages by them sustained and suffered by reason of the premises aforesaid, with legal interest and costs of suit.

Dated 27th day of January, 1831.

(Signed,) PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed,) In the King's Bench, No. 1623, James T. S. Stuart & al: Plaintiffs vs. William Lampson, Defendant. Declaration of a *Demande* for £5000 currency, in an action of *Ré-intégrande*—William Lampson, Sir, you are served with this Process, to the intent, that you may appear either in person or by Attorney in His Majesty's Court of King's Bench for the District of Quebec, at the return thereof, being the first day of February next, in order to your defence in this action. Dated the 27th day of January, 1831.

(Signed,) PRIMROSE & BELL,
Attornies for Plaintiffs.

Province of Lower-Canada, } William the Fourth, by
District of Quebec. } the Grace of God of the
United Kingdom of Great Britain and Ireland, King,
Defender of the Faith.

(L. S.)

No. 1623.

To the Sheriff of our District of Quebec, Greeting:—
 We command you, within the limits of our District, to summon William Lampson of the City of Quebec, in the County of Quebec, in the District of Quebec, Merchant, to be and appear before us in our Court of King's Bench for our District of Quebec, in our City of Quebec, in our said District, on Tuesday the first day of February next, to answer James T. S. Stuart of Ardagh in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland, Esquire; Mary Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster; William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire; Henrietta Guichaud of the City, County and District of Quebec, widow of the late Honorable Thomas Dunn, in his life time one of the Executive and Legislative Councillors for the Province of Lower Canada, and *commune en biens* with him; Thomas Dunn and William Dunn, both of the City of London, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires; Margaret Bell of the City, County and District of Quebec, widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Anne Catharine Dunn and Frances Sarah Dunn, her minor children, issue of her marriage with the said Robert Dunn, deceased, and heirs of the said Robert Dunn; John Greenshields of Kerse, in the County of Lanark in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City, County and District of Quebec, Esquire, and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councillors in and for the said Province of Lower Canada, of the *demande* contained in the annexed Declaration, and further to do and receive what in our said Court, before us, in this behalf shall be considered, and have you then and there this Writ.

Witness, the Honorable Jonathan Sewell, Esquire, Chief Justice of our said Province of Lower Canada, and one of the Justices of our said Court of King's Bench, for our District of Quebec, at our City of Quebec, the 27th day of January one thousand eight hundred and thirty-one, and in the first year of our Reign.
 (Signed,)

PERRAULT & BURROUGHS P. K. B.

(Endorsed,) I have Summoned the within named William Lampson, as by this Writ I am commanded, by leaving upon the twenty-eighth day of January, instant, at the domicile of the said William Lampson, situate at the City of Quebec, in the County of Quebec, in the District of Quebec, a copy of the said Writ and a copy of the Declaration hereunto annexed, with a grown person there belonging to his family.

Quebec, 31st day of January, 1831.

(Signed,) Wm. S. SEWELL, Sheriff.

Sheriff's Fee, ten shillings.

Province of Lower-Canada, } In the King's Bench.
 District of Quebec, }

James T. S. Stuart & al. Plaintiffs,
 No. 1623. vs.

William Lampson, Defendant.

List of Exhibits filed by the Plaintiffs:—

No. 1.—Tutelle des Enfants mineurs de feu Sieur Ro-

bert Dunn & De. Margaret Bell, en date du 31 Janvier 1825.

No. 2.—Act of Tutorship to the minor of the late Robert Dunn, dated 6th June 1828.

Quebec, 1st Feby. 1831.

(Signed,) PRIMROSE & BELL,
 for Plaintiffs.

(Endorsed,)—In the King's Bench, No. 1623, James T. S. Stuart & al: Plfs. v. William Lampson, Defdt. List of Exhibits filed by the Plaintiffs. (Signed,) PRIMROSE & BELL.—
 Filed 1st Feb. 1831.—P. & B.

In the year one thousand eight hundred and twenty-five, on the thirty first day of January, at the Prothonotaries Office of the Court of King's Bench, at eleven o'clock in the forenoon, and before us, Edward Bowen, Esquire, one of the Justices of the Court of King's Bench for the District of Quebec; appeared Dame Margaret Bell, of the City of Quebec, Widow of the late Robert Dunn, Esquire, in his lifetime of Quebec, who stated to us, that in consequence of our order of this day, given at the foot of the Petition presented to us, for the purpose of appointing a Tutor and a Sub-Tutor, for Mary Henrietta Margaret, of three years of age, and Anne Catherine, of fourteen months of age, two minor children, issue of the marriage between the said late Robert Dunn, Esquire, and the said Dame Margaret Bell, she had, for that purpose, caused to be assembled before us, to wit, Matthew Bell, Esquire, maternal Grandfather, The Honble John Caldwell, John Stuart, Thomas Douglas, Joseph Planté, John George Irvine, the Hon. James Irvine, Esquires, friends, Louis Montizambert, Esquire, friend, and James Bell, Esquire, uncle of the said minors, requiring of us, they being present, to receive their advice and opinion, respecting the said appointment. And the above named persons being then and there present, we caused the said Petition to be read to them, and took and received from them the usual oath; and, after being sworn, they all unanimously said, that they are of opinion, that the said Dame Margaret Bell, ought to be Tutrix to her said minor children, and the Honble. James Irvine, Sub-tutor, who, being both here present, voluntarily accepted the said offices, and promised, each respectively, to fulfil their duties in the premises, under the usual oaths, and have all signed these presents, the same having been read to them.

(Signed,)—Margaret Dunn, John Geo. Irvine,
 M. Bell, Js. Bell,
 John Caldwell, Ls. Montizambert,
 J. Stuart, Jh. Planté,
 Thomas Douglass, James Irvine,

Whereupon, we, the Justice aforesaid, have homologated, and homologate, the advice and opinion above-mentioned, and, in conformity thereto, declare that Margaret Bell, (Widow Dunn,) shall be and remain Tutrix to her said minor children, in order to control and regulate their persons and their effects, and the Honorable James Irvine to be Sub-tutor.

(Signed,) Edw. BOWEN,
 J. K. B.

A True Copy.

Quebec, the 10th January, 1831.

(Signed,) PERRAULT & BURROUGHS,
 P. K. B.

Endorsed:—The 31st January, 1825, Guardianship, (Tutelle,) of the minor children of Robert Dunn.

K. B. No. 1623. Jas. T. S. Stuart et al: Plaintiffs, vs. William Lampson, Defdt.—
 Plaintiffs' Exhibit No. 1. Filed 1st Feb. 1831. P. & B.

Province

Province of Lower-Canada, }
District of Quebec. }

Be it remembered, that on the sixth day of June, in the year of Our Lord one thousand eight hundred and twenty-eight, at the Prothonotaries Office, in the City of Quebec, at ten of the clock in the forenoon, Margaret Bell, of the City of Quebec, Widow of the late Robert Dunn, in his life time of the said City of Quebec, Esquire, deceased, brought before me the Honorable Edward Bowen, one of the Judges of His Majesty's Court of King's Bench for the District of Quebec, in consequence of my order of this day, on a Petition to me presented, praying, for the reasons therein contained, to have a Tutor or Tutrix and Sub-tutor appointed to Frances Sarah Dunn, one of the minor children issue of the marriage of the said late Robert Dunn and the said Margaret Bell, now of the age of three years, the following persons, to wit:—William Dunn, uncle paternal, The Honorable Matthew Bell, maternal grand-father, The Honorable James Irvine, The Honorable John Stewart, Noah Freer, Louis Panet, Joseph Remy Vallières de St. Real, Esquires, all of Quebec, friends, who being severally duly sworn to choose and nominate a fit and proper person to be Tutor or Tutrix and Sub-tutor to the said Frances Sarah Dunn, and having maturely deliberated thereon, do choose and nominate the said Margaret Bell, to be Tutrix to the said Frances Sarah Dunn, and the Honorable James Irvine, to be Sub-tutor to the said Frances Sarah Dunn.

(Signed,) Margaret Dunn, Noah Freer,
Wm. Dunn, Louis Panet,
Math. Bell, Vallières de St. Réal,
J. Stewart, James Irvine.

Which nomination I have approved of and do confirm: And the said Margaret Bell and the Honorable James Irvine, being present, were the day and year aforesaid, (these presents having been first duly read, and the several persons hereinbefore named hereunto set and subscribed their names,) sworn well and truly to discharge their duties as Tutrix and Sub-tutor to the said Frances Sarah Dunn, to the best of their skill and capacity, and as the law directs.

(Signed,) Edw. BOWEN, J. K. B.

A true Copy.

Quebec, the 10th January, 1831.

(Signed,) PERRAULT & BURROUGHS,
P. K. B.

(Endorsed,) Quebec, 6th June, 1828. Act of Tutorship to Frances Sarah Dunn.
K. B. No. 1623. Jas. T. S. Stuart & al., Plffs. v. William Lampson, Def. Plaintiffs' Exhibit filed 1st Feby. 1831.
P. & B.

J. T. S. Stewart, Plff.

No. 1623.

v.

Wm. Lampson, Def.

I appear for the Defendant in this Cause;—
4th February, 1831.

(Signed,) A. GUGY, for Def.

(Endorsed,) K. B. No. 1623. J. T. S. Stewart & al. Plffs.
v. Wm. Lampson & al. Appearance.—

Filed 4th Feb. 1831. P. & B.

J. T. S. Short & al. Plff.

No. 1623.

v.

William Lampson, Def.

Motion, that all proceedings in this Cause be staid until the Plaintiffs shall have given good and sufficient security for the payment of Costs.—Quebec, 4th Feby., 1831.

(Signed,) A. GUGY, for Def.

(Endorsed,) K. B. No. 1623. Stewart, Plff. v. Lampson, Def. Motion filed 4th Feby., 1831.
P. & B.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart & al., Plaintiffs,

v.

William Lampson, Defendant.

Motion, that the Rule of the fourth instant obtained by the Defendants in this Cause, for security for costs be set aside for having been improvidently granted and the order made thereon cancelled for irregularity, with costs, *Nisi Causa* the eleventh instant.—Quebec, 9th Feby. 1831.

(Signed,) PRIMROSE & BELL,
for Plaintiffs.

(Endorsed,) K. B. No. 1623. James T. S. Stuart & al. Plaintiffs, vs. William Lampson—Motion. Filed 9th Feby. 1831. P. & B.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench,
the 9th day of Feb. 1831.

James T. S. Stuart, et al: Plaintiffs,

No. 1623.

vs.

William Lampson, Defendant,

Ordered, on motion of Messrs. Primrose & Bell on the part of the Plaintiffs, that the Rule of the 4th instant, obtained by the Defendants in this Cause, for security for Costs be set aside, for having been improvidently granted, and the order made thereon cancelled for irregularity, with costs, *Nisi Causa* the eleventh instant.

By the Court.

(Signed,) PERRAULT & BURROUGHS.

(Endorsed,) In the King's Bench, No. 1623. James T. S. Stuart & al. Plaintiffs, v. William Lampson, Defendant.—Rule *Nisi*. Filed the 9th day of Feby. 1831.—P. & B.

Province of Lower-Canada, }
District of Quebec. }

In the Court of King's Bench.

James T. S. Stuart & al., Plaintiffs.

No. 1623.

vs.

William Lampson, Defendant.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench of and for the District of Quebec, doth hereby certify, under my oath of office, that on the 9th day of February instant, he did personally serve, before four o'clock in the afternoon, at Quebec, the present Rule *Nisi*, of which the original is hereunto annexed, upon Mre. B. C. A. Guky, Esquire, Attorney for the Defendant in this Cause, by there and then delivering a true Copy thereof, at his domicile at Quebec, speaking to a person of sound mind, being one of the family, and by then and there exhibiting to the

said person of sound mind, the original of the said Rule *Nisi*.

Quebec, the 9th February 1831.

(Signed,) Edw. WEGEND,
B. C. K. B.
Service—2s.

Province of Lower-Canada, } In the King's Bench,
District of Quebec. } the 4th day of Feby. 1831.

J. T. S. Shortt & al., Plaintiffs,
No. 1623. v.
William Lampson, Defendant.

Ordered, upon motion of Mr. Gagy, of Counsel for the Defendant, that all proceedings in this Cause be staid, until the Plaintiff shall have given security to the said Defendant, for the Costs of the present action.
By the Court.

(Signed,) PERRAULT & BURROUGHS,
P. K. B.

(Endorsed,) In the King's Bench, No. 1623. Shortt & al. Plaintiffs, v. Lampson, Defendant. Rule *Nisi* for security for Costs. Filed the 11th of Feby. 1831. P. & B.

Province of Lower-Canada, } In the King's Bench.
District of Quebec. }

Stuart et al., Plaintiffs,
No. 1623. rs.
Lampson, Defendant.

Leger Lambert, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, do hereby certify, upon my oath of office, that on the 10th day of February, he did, at Quebec, before six o'clock in the afternoon, personally serve the Rule of Court, the original of which is hereunto annexed, upon Messrs. Primrose and Bell, Attornies for the Plaintiffs in this cause, by there and then delivering a true copy thereof at their domicile, speaking to a person of sound mind belonging to their family, and by there and then exhibiting to the said person of sound mind, the original of the said Rule.

Quebec, the 10th February, 1831.

(Signed,) LEG. LAMBERT,
B. C. K. B.
Service—2s.

Lower Canada } King's Bench.
Quebec. }
James T. S. Stuart and al. Plaintiffs,
No. 1623. vs.
Wm. Lampson,

Motion, for *Acte* to the Defendant, that he doth most respectfully except to the Judgment pronounced this day.

(Signed,) A. GUGY, Attorney.

Quebec, 11th Feby: 1831.

(Endorsed,) K. B. No. 1623. J. T. S. Stuart & al: Plffs. vs. Wm. Lampson, Defdt. Exception to Judgment. Filed 11th Feb. 1831. P. & B.

Province of Lower-Canada, } In the King's Bench.
District of Quebec. }

James T. S. Stewart, Plaintiff,
No. 1623. rs.
William Lampson, Defendant.

And the said Defendant by this his *Exception Péremptoire à la forme*, saith, that in this Cause the Court of Our Lord the King, now here, by law cannot proceed nor compel the said Defendant to answer in any manner unto the *demande* of them the said Plaintiffs in the declaration of them the said Plaintiffs in this Cause filed contained, because he saith that the Declaration in this Cause is insufficient, irregular, (*non suffisamment libellée*,) vague, defective, informal, and null to all intents and purposes, for divers reasons, and among others, for the following: because the said Plaintiffs have not set forth the time during which they pretend to have possessed the said immoveables described in their declaration in this Cause filed previous to the twenty-seventh day of October last, being the day on which the alleged trouble, molestation and violent dispossession is laid, and that the said Plaintiffs do not pretend or allege that they had then possessed the said immoveables for a year and a day previous thereto, and that no possession for less than a year and a day previous to the period at which they were troubled in their said pretended possession, could support their present action, and that the allegation of possession in the said declaration is insufficient and inadmissible.

Because the said Plaintiffs have not in and by their said declaration alleged or set forth, that they the said Plaintiffs possessed for themselves or in their own name or as proprietor, and that in fact the said Plaintiffs were by Law, in order to support the present action, bound to have alleged a possession "*à autre titre que de fermier ou de possesseur précaire*," and that without such allegation of possession, and without a possession *animo domini*, or under other title or in other quality than that of "Lessee," they the said Plaintiffs are not by Law entitled to bring the present action: Because the said Plaintiffs not having rebutted or disclaimed possession as Lessees "*Fermiers*," as they were and are required by law to have done in order to support the present form of action, they the said Plaintiffs not possessing *animo domini*, nor even as usufructuaries, but on the contrary, only as lessees, the allegations of the said Plaintiffs and the said declaration itself are and is insufficient to support their present conclusions, and that by law the said Plaintiffs upon the facts alleged and set forth in their declaration, are only entitled to have the action *in factum*, and not the action *de réintégration*.

All which allegations the said Defendant hath hereby aver to be true and well-founded in fact and in law, and the same will verify, prove and maintain when, and as this Honorable Court shall direct: Wherefore the said Defendant humbly prays, that for the Causes aforesaid, by the Judgment of this Honorable Court, the Writ and Process *ad Respondendum* in this Cause issued, and the Declaration of them the said Plaintiffs in this Cause filed, and each of them, be declared null and of no effect whatever, and the said Process and Writ *ad Respondendum* and the Declaration be hence dismissed, with costs.

Quebec, 9th February 1831.

(Signed,) A. GUGY, Atty.

(Endorsed,) In the King's Bench. No. 1623. James T. S. Stewart & al., Plaintiffs, vs. William Lampson, Defendant. *Exception Péremptoire à la forme*. Sir—Take notice that the present *Exception Péremptoire à la forme*, hath been filed this day, and that the common Rule to answer thereto will expire the 3d day next thereafter. To Messrs. Primrose & Bell, Attornies for Plaintiffs—the 9th February, 1831. (Signed,) A. GUGY, Atty. for Defendant. Filed the 11th of Feb. 1831. P. & B.

Lower

Lower-Canada, }
Quebec. } King's Bench.

James T. S. Stuart & al. Plaintiffs.

No. 1623. vs.

William Lampson, Defendant.

Leger Lambert, one of the sworn Bailiffs of His Majesty's Court of King's Bench for the District of Quebec, upon his oath of office, do hereby certify, that on Friday the eleventh day of February instant, before the hour of six in the afternoon, he personally did serve upon Messrs. Primrose & Bell, the Attornies for the Plaintiffs in this Cause, at the office of the said Messrs. Primrose & Bell, situate in the Upper Town of Quebec, a true Copy of the *Exception péremptoire à la forme*, in this Cause filed on the said eleventh day of February instant, by delivering then and there the said Copy duly certified to be such, under the signature of Mr. Gagy, Attorney for the Defendant in this Cause, to a grown and reasonable person of their families, and the said Leger Lambert further saith, that upon the said Copy so served, was endorsed an exact duplicate of all things in the notice endorsed upon the said *Exception péremptoire à la forme* so filed.

Quebec, the 11th February, 1831.

(Signed,) LEG. LAMBERT, B. K. B.
Service, 2s.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart & al., Plaintiffs,

No. 1623. vs.

William Lampson, Defendant.

Motion, that the *Exception péremptoire à la forme* of the Defendant in this Cause be taken off the fyle, as having been irregularly received and filed, with Costs, *Nisi Causa* the fourteenth instant.

Quebec, 12th Feb., 1831.

(Signed,) PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed,) No. 1623. Jas. T. S. Stuart & al. Plffs. v.
William Lampson, Def. Motion. Filed
12th Feby. 1831. P. & B.

Province of Lower-Canada, }
District of Quebec, } In the King's Bench,
the 12th day of Feb. 1831.

James T. S. Stuart & al. Plaintiffs,

No. 1623. vs.

William Lampson, Defendant,

Ordered, on Motion of Messrs. Primrose & Bell on the part of the Plaintiffs, that the *Exception péremptoire à la forme* of the Defendant in this Cause, be taken off the Fyle, as having been irregularly received and filed, with Costs, *Nisi Causa* the fourteenth instant. By the Court.

(Signed,) PERRAULT & BURROUGHS.

(Endorsed,) In the King's Bench. No. 1623. James
T. S. Stuart & al., Plaintiffs, vs. Wm.

Lampson. Defendant. *Rule Nisi*—Filed
the 12th day of Feb. 1831.

P. & B.

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

James T. S. Stuart, Plaintiff;

No. 1623. vs.

William Lampson, Defendant.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, do hereby certify upon my oath of office, that on the twelfth day of February instant, he did, at Quebec, before four o'clock in the afternoon, personally serve the present *Rule Nisi*, original whereof is hereunto annexed, upon Mtre. B. C. A. Gagy, Esquire, Attorney for the Defendant in this Cause, by there and then delivering a true copy thereof, at his domicile at Quebec, speaking to a person of sound mind, making part of the family, and there and then exhibiting to the said person of sound mind, the original of the said *Rule Nisi*.

Quebec, the 12th Feb., 1831.

(Signed,) EDW. WEGEND,
B. C. K. B.

Service—2s.

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

J. T. S. Stewart & al., Plaintiffs,

No. 1623. vs.

William Lampson, Defendant.

And the said Defendant for answer *au fonds* to the *demande* of them the said Plaintiffs in this Cause filed contained, not confessing or acknowledging any of the matters and things in the said Declaration set forth and alleged to be true, by this his *défense au fonds en droit*, saith that the allegations of the said Plaintiffs and the matters and things in the said Declaration set forth and contained, and each and every of them is, and are wholly and altogether unfounded in law, and not sufficient therein for the said Plaintiffs to have or maintain against him the said Defendant the conclusions in the said Declaration taken, or any or either of them, or the action of them the said Plaintiffs in this behalf, against him the said Defendant, and this he is ready to verify.

Whereof, the said Defendant humbly prays, that by the Judgment of this Honorable Court, the Action of them the said Plaintiffs in this behalf, be hence dismissed, with Costs.

Quebec, the 18th day of Feby. 1831.

(Signed,) A. GAGY, for Def.

(Endorsed,) In the King's Bench. No. 1623. J. T. S.
Stewart & al., Plaintiffs, vs. Wm. Lampson, Defendant—*Défense au fonds en droit*.
Sir, Take notice that the present *défense au fonds en droit*, hath been filed this day, and that the Rule to reply will expire the 2d day next thereafter. To Messrs. Primrose & Bell, Attorney for Plaintiff—

Plaintiff—the 18th of February, 1831.
(Signed,) A. GUGY, Atty. for Defendant.
Filed the 19th of Feby. 1831—P. & B.

I, the Bailiff, undersigned, do certify, under my oath of office, that on the nineteenth day of February, at Quebec, before six o'clock in the afternoon, I did personally serve the present original *Défense au fonds en droit*, upon Messrs. Primrose and Bell, Attornies for the Plaintiffs in this cause, by leaving a copy thereof at their domicile, speaking to a person of sound mind, one of their family, and by exhibiting to him the present original.

Quebec, the 19th Feb., 1831.

(Signed,) LEG. LAMBERT,
B. C. K. B.
Service—2s.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stewart & al., Plaintiffs.

No. 1623, vs.

Wm. Lampson, Defendant.

And the said Defendant for answer *au fonds en fait* to the *demande* of him the said Plaintiffs, in the Declaration of the said Plaintiffs in this Cause filed, contained by this his *Défense au fonds en fait*, saith that the allegations of the said Plaintiffs and the matters and things in the said Declaration set forth and contained, and each and every of them is and are wholly and altogether unfounded in fact and untrue, and that he the said Defendant is not guilty in the manner and form in which they the said Plaintiffs have alleged and declared in and by the said Declaration in this Cause filed.

Wherefore the said Defendant humbly prays that the Judgment of this Honorable Court, the Action of the said Plaintiffs in this behalf, be hence dismissed, with Costs.

Quebec, the 7th day of February 1831.

(Signed,) A. GUGY, Atty. for Defendant.

(Endorsed,) In the King's Bench. No. 1623. J. T. S. Stewart & al. Plaintiffs, vs. William Lampson, Defendant—*Défense au fonds en fait*. Sir, Take notice that the present *Défense au fonds en fait* hath been filed this day, and that the Rule to reply will expire the 2d day next hereafter. To Messrs. Primrose & Bell, Attornies for Plaintiffs, the 7th of Feby. 1831.—(Signed,) A. GUGY, Atty. for Defendant. Filed the 17th of Feby. 1831. P. & B.

I, the Bailiff undersigned, do certify, under my oath of office, that, on the nineteenth day of February, at Quebec, before six o'clock in the afternoon, I did personally serve the present original *Défense au fonds en fait*, upon Messrs. Primrose and Bell, Attornies for the Plaintiffs in this cause, by leaving a copy thereof at their domicile, speaking to a person of sound mind, one of their family, and by exhibiting to the said person of sound mind the present original.

Quebec, 19th Feby. 1831.

(Signed,) LEG. LAMBERT,
B. C. K. B.
Service—2s.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart & al., Plaintiffs.

No. 1623. vs.

William Lampson, Defendant.

And the said Plaintiffs by this their Replication to the *Défense au fonds en droit* of the said Defendants in this Cause filed, say that the allegations of them the said Plaintiffs, and the matters and things in the declaration of them the said Plaintiffs in this Cause filed, set forth and contained, and each and every of them, is and are wholly and altogether true and well founded in law and sufficient therein for them the said Plaintiffs to have and maintain against the said Defendant the conclusions in the said Declaration taken, and each of them and the action of them the said Plaintiffs in this behalf.

Wherefore the said Plaintiffs persist in the conclusions of their said Declaration, and humbly pray as therein and thereby they have already prayed.

Quebec, the 23d day of February. 1831.

(Signed,) PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed,) In the King's Bench. No. 1623. James T. S. Stuart et al. Plaintiffs, vs. William Lampson, Defendant. Replication to the *Défense au fonds en droit*. Sir, Take notice that the present Replication to the *défense au fonds en droit* hath been filed this day. To Mr. Guky, Attorney for Defendant, the 23d February 1831.—PRIMROSE & BELL, Attornies for Pliffs. Filed the 25th of Feby. 1831. P. & B.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart et al., Plaintiffs,

No. 1623. vs.

William Lampson, Defendant.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, doth hereby certify, under my oath of office, that on the twenty-fifth day of February instant, at Quebec, between two and three o'clock in the afternoon, he did personally serve the present Replication to the *Défense au fonds en droit*, and the notice at the back of the original thereof hereunto annexed, upon Mtre. B. C. A. Guky, Esquire, Attorney for the Defendant in this cause, by then and there delivering a true copy thereof, at his domicile at Quebec, speaking to him in person, and then and there exhibiting to the said B. C. A. Guky, Esquire, the original of the said Replication and Notice.

Quebec, the 25th February 1831.

(Signed,) EDW. WEGEND,
B.C.K.B.
Service—2s.

Province

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

James T. S. Stuart *et al.*, Plaintiffs,

No. 1623. vs.

William Lampson, Defendant.

And the said Plaintiffs by this their Replication to the *Défense au fonds au fait* of the said Defendant in this Cause filed, say that the allegations of the said Plaintiffs and the matters and things in the Declaration of the said Plaintiffs in this Cause filed, set forth and contained, and each and every of them is and are wholly and altogether true and well founded in fact and in law, and that the said Defendant is guilty in the manner and form in which they the said Plaintiffs have alleged and declared in and by their said Declaration.

Wherefore the said Plaintiffs persist in the conclusions of their said Declaration, and humbly pray as therein and thereby they have already prayed.

Quebec, the 23d day of February 1831.

(Signed,) PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed,) In the King's Bench, No. 1623. J. T. S. Stuart & *al.* Plaintiffs, vs. William Lampson, Defendant—Replication to the *Défense au fonds en fait*. Sir, Take notice that the present Replication to the *Défense au fonds en fait* hath been filed this day. To Mr. Guky, Attorney for Defendant—the 23d day of Feby. 1831. (Signed,) PRIMROSE & BELL, Attornies for Plaintiff. Filed the 25th of February, 1831. P. & B.

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

James T. S. Stuart *et al.*, Plaintiffs,

No. 1623. vs.

William Lampson, Defendant.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, do certify by these presents, under my oath of office, that on the 25th day of February instant, at Quebec, between two and three o'clock in the afternoon, he did personally serve the present Replication to the *Défense au fonds en fait*, and the Notice endorsed on the original thereof, hereunto annexed, upon Mrs. B. C. A. Guky, Esquire, Attorney for the Defendant in this Cause, by then and there, at his domicile in Quebec, delivering a true copy thereof, speaking to himself in person, and by then and there exhibiting to the said B. C. A. Guky, Esquire, the original of the said Replication and Notice.

Quebec, the 25th February, 1831.

(Signed,) EDW. WEGEND,
B. C. K. B.
Service—2s.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

No. 1623.

James T. S. Stuart, & *al.* Plaintiffs.

vs.

William Lampson, Defendant.

We do hereby inscribe this cause upon the Roll *de droit* for hearing *en droit* upon the pleadings, by which the issues have been raised and perfected upon the *Défense au fonds en droit*, and the *défense au fonds en fait* of the said Defendant in this cause filed.—Quebec, the 26th of February 1831.

(Signed) PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed.) In the King's Bench, No. 1623, Jas. T. S. Stuart, & *al.* Plaintiffs vs. William Lampson, Defendant. Inscription upon the Roll *de droit* for hearing *en droit* upon the pleadings. Filed by the — the 26th of Feby. 1831. P. & B.

Province of Lower Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart, & *al.* Plaintiffs,

vs.

William Lampson, Defendant.

Sir, take notice that this cause is inscribed upon the Roll *de droit* for hearing *en droit* upon the pleadings by which the issues have been raised and perfected upon the *défense au fonds en droit* and the *défense au fonds en fait* of the Defendants in this cause filed—Quebec, the 26th day of February 1831,

(Signed,) PRIMROSE & BELL,
Attornies for Plaintiffs.

To Mr. Guky, Attorney for Defendant.

(Endorsed.) In the King's Bench, No. 1623, Jas. T. S. Stuart, & *al.* Plaintiffs, vs. William Lampson, Defendant, Notice of Inscription upon the Roll *de droit*, for hearing *en droit* upon the pleadings. Filed by the — the 5th of March 1831. P. & B.

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

James T. S. Stuart *et al.*, Plaintiffs,

No. 1623. vs.

William Lampson, Defendant.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, do hereby certify, under my oath of office, that, on the first day of March instant, at Quebec, between three and four o'clock in the afternoon, he did personally serve the present Notice of Inscription in the Rolls of Court, (*Role de Droit*,) the original whereof

whereof is hereunto annexed, upon Mr. B. C. A. Gagy, Esquire, Attorney for the Defendant in this cause, by delivering then and there, at his domicile in Quebec, a true copy thereof speaking to a person of sound mind making part of his family, and by then and there exhibiting to the said person of sound mind, the original of the said Notice and Inscription.

Quebec, the 1st March, 1831.

(Signed.) EDWARD WEGEND,
B. C. K. B.
Service—qs.

Province of Lower Canada, } In the King's Bench.
District of Quebec. }

No. 1623.

James T. S. Stuart, of Ardagh in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland Esquire, Mary, Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster, William Taylor Peter Shortt, of Uphill, in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire, Henrietta Guichaud of the City, County and District of Quebec, Widow of the late Honorable Thomas Dunn, in his lifetime one of the Executive and Legislative Councillors for the Province of Lower Canada and *Commune en biens* with him, Thomas Dunn and William Dunn, both of the City of London, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires, Margaret Bell of the City, County and District of Quebec, Widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Anne Catherine Dunn, and Frances Sarah Dunn, her minor Children issue of her marriage with the said Robert Dunn, deceased, and heirs of the said Robert Dunn, John Greenshields of Kerse, in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire, James Weir of the City, County and District of Quebec, Esquire, and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councillors in and for the said Province of Lower Canada, Plaintiffs.

vs.

William Lampson of the City, County and District of Quebec, Merchant, Defendant.

1st February 1831.

Wm. S. Sewell, Esquire, Sheriff of the District of Quebec, returned the Writ of Summons *ad respondendum* issued in this Cause upon a *demande* for the sum of Five thousand pounds currency, in an action *réinté-grande*, returnable this day, and certified thereon the service thereof upon the Defendant William Lampson, together with the declaration thereunto annexed, signed by Messrs. Primrose and Bell, as Attorney for the Plaintiffs who filed a List with two exhibits.

The Defendant being called and not appearing, the Court grants *Acte* of this first default against him.

4th February 1831.

The Defendant being called *de novo*, A. Gagy, Esquire, appeared for him and was permitted to take off

the first default duly obtained and entered in this Cause against the said Defendant, on payment of Costs.

Ordered, upon motion of Mr. Gagy, of Counsel for the Defendant, that all proceedings in this Cause be said, until the Plaintiffs shall have given security to the said Defendant for the costs of the present Action.

9th February 1831.

Ordered, on motion of Messrs. Primrose and Bell, on the part of the Plaintiffs, that the Rule of the fourth instant, obtained by the Defendant in this Cause for Security for Costs, be set aside for having been improvidently granted and the order made thereon cancelled for irregularity with Costs: *Nisi causa* the eleventh instant.

Acte of the fying by the Plaintiffs of a Certified Copy of the Rule of the ninth instant, with a certificate thereunto annexed of the service thereof upon Mr. Gagy.

11th February 1831.

The parties by their Counsel having been respectively heard upon the Rule of the ninth instant. The Court doth declare the said Rule absolute, and in consequence doth order that the Rule of the fourth instant, obtained by the Defendant in this Cause for Security for Costs be set aside as having been improvidently granted and the order made thereon cancelled for irregularity, with Costs.

Acte of the fying by the Defendant of an Exception to the Judgment pronounced this day.

Acte of the fying by the Defendant of an *Exception péremptoire à la forme*.

12th February 1831.

Ordered, on Motion of Messrs. Primrose and Bell, on the part of the Plaintiffs, that the *Exception péremptoire à la forme* of the Defendant in this Cause, to be taken off the fyle as having been irregularly received and filed with Costs: *nisi causa* the fourteenth instant.

Acte of the fying by the Plaintiffs of a certified copy of the Rule of the twelfth instant, with a certificate thereunto annexed of the service thereof upon Mr. Gagy.

17th February 1831.

The parties by their Counsel having been respectively heard upon the Rule of the twelfth instant, *Curia advisare vult*.

19th February 1831.

The Court having heard the parties by their respective Counsel upon the Rule of the twelfth instant, and thereon maturely deliberated, doth order that the *Exception péremptoire à la forme* of the Defendant in this Cause be and the same is hereby taken off the fyle as having been irregularly received and filed, with Costs.

Acte of the fying by the Defendant of a *Défense au fonds en droit*, and of a *Défense au fonds en fait*.

Acte of the fying by the Plaintiffs of a Replication to the *Défense au fonds en droit* and of a Replication to the *Défense au fonds en fait*, in this Cause filed.

Acte of the Inscription of this Cause by the Plaintiffs upon the *Roll de droit* for hearing *en droit*, upon the pleadings by which the issues have been raised and perfected upon the *Défense au fonds en droit*, and the *Défense au fonds en fait*, in this Cause filed.

5th March 1831.

Acte of the fying by the Plaintiffs of a Notice of the Inscription of this Cause upon the pleadings with a certificate thereunto annexed of the service thereof upon Mr. Gagy.

Province

Province of Lower Canada, }
District of Quebec. } In the King's Bench

the 28th March 1831.

This and the thirty six preceding pages contain true Copies of all the documents filed and of all the entries made in the Registers of His Majesty's Court of King's Bench for the District of Quebec, in a Cause now pending and undetermined in the said Court wherein James T. S. Stuart, Mary Stuart, William Taylor Peter Shortt, Henriette Guichaud, Thomas Dunn, William Dunn, Margaret Bell, John Greenshields, James Weir, and the Honorable John Richardson, are Plaintiffs, and William Lampson, is Defendant

PERRAULT & BURROUGHS,
P. K. B.

[1.]

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

(L. S.)

James T. S. Stuart of Ardagh in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland, Esquire; Mary Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster; William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire; Henriette Guichaud of the City, County and District of Quebec, widow of the late Honorable Thomas Dunn in his life time one of the Executive and Legislative Councillors for the Province of Lower Canada, and *commune en biens* with him; Thomas Dunn and William Dunn, both of the City of London, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires; Margaret Bell of the City, County and District of Quebec, widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Anne Catharine Dunn and Frances Sarah Dunn, her minor children issue of her marriage with the said Robert Dunn, deceased, and heirs of the said Robert Dunn; John Greenshields of Kerse, in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City, County and District of Quebec, Esquire, and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councilors in and for the said Province of Lower-Canada, Plaintiffs.

vs.

William Lampson of the City, County and District of Quebec, Merchant, and Robert Martin Brownson of the same place, Gentleman, Defendants.

We appear for the above named Plaintiffs, and demand against the above named Defendants, a Writ of Summons *ad respondendum*, directed to the Sheriff of the District of Quebec, in an Action of *Complainte*, Trespass, and

Damages for £500 currency, returnable on the first day of February Term next.

Quebec, 26th January, 1831.

PRIMROSE & BELL.

(Endorsed,) In the King's Bench No. 1617. James T. S. Stuart & *al.*, Plaintiffs, vs. William Lampson & *al.*, Defendants. *Præcipe*. Filed this 27th January 1831. P. & B.

PRIMROSE & BELL.

Province of Lower-Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart & *al.*, Plaintiffs,

No. 1617.

vs.

William Lampson, & *al.*, Defendants.

To the Honorable the Justices of His Majesty's Court of King's Bench for the District of Quebec.

James T. S. Stuart, of Ardagh in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland, Esquire; Mary Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster; William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire; Henriette Guichaud of the City, County and District of Quebec, Widow of the late Honorable Thomas Dunn, in his lifetime one of the Executive and Legislative Councilors for the Province of Lower-Canada, and *commune en biens* with him; Thomas Dunn and William Dunn, both of the City of London, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires; Margaret Bell of the City, County and District of Quebec, Widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Ann Catherine Dunn and Frances Sarah Dunn, her minor children issue of her marriage with the said Robert Dunn deceased, and heirs of the said Robert Dunn; John Greenshields of Kerse in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City, County and District of Quebec, Esquire; and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councilors in and for the said Province of Lower-Canada, complaining of William Lampson of the City, County and District of Quebec, Merchant, and Robert Martin Brownson of the same place, Gentleman, by thistheir Declaration do humbly represent; That whereas the said Plaintiffs in their own right and in their qualities aforesaid, for a long space of time next before the trespass and trespasses, trouble and disturbance hereinafter mentioned, to wit, for more than a year and a day next before the said trespass and trespasses, trouble and disturbance were lawfully and peaceably seized and possessed of and in all that certain Fief and Seigneurie of Mille-vaches, situated lying and being on the North side of the River St. Lawrence in the said District of Quebec, containing three leagues in front by four leagues in depth, 2 E. bounded

bounded in front by the River St. Lawrence, and in the rear and on both sides by ungranted lands of the Crown, and also of and in all that certain tract of land hereinafter described, making part and parcel of the said Fief and Seigniorie of Mille-vaches, that is to say, of and in that certain tract of land situated in the said Fief and Seigniorie of Mille-Vaches, at the distance of about eighteen arpents from the Church up the River Portneuf on the west side of the said last mentioned River, containing about one arpent in superficie, and bounded in front by the said River Portneuf, and in depth and on both sides by Woodland, making part of the said Fief and Seigniorie of Mille-Vaches; And the said Plaintiffs in their own right and in their qualities aforesaid, being so seized and possessed of and in the said Fief and Seigniorie of Mille-Vaches, and of and in the said tract of land making part and parcel of the said Fief and Seigniorie, the said Defendants afterwards, to wit, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and thirty, at the Fief and Seigniorie of Mille-Vaches aforesaid, in the District of Quebec aforesaid, with force and arms broke into and entered upon the said Tract of land above described, and then and there with Spades, Shovels, and Pickaxes, subverted, dug up, took up and removed the said earth, gravel, rocks and stones, then and there being, and made divers large holes therein, and then and there with Hatchets, Axes, Mattocks, and other iron instruments, cut down, felled down, prostrated and destroyed the Timber trees and other trees of and belonging to the said Plaintiffs in their own right and in their qualities aforesaid, growing and being in the same tract of land above described, and the same Timber trees and other trees with the materials thereof coming, and being of a large value, to wit, of the value of one hundred pounds current money of the Province of Lower-Canada, then and there carried away and converted and disposed thereof to their own use; and for that the said Defendants on and between the said seventeenth day of May, one thousand eight hundred and thirty, and the first day of January one thousand eight hundred and thirty-one, with force and arms broke into and entered upon the said tract of land, and seized and took one hundred cords of wood, of the goods and chattles of them the said Plaintiffs in their own right and in their qualities aforesaid then and there found and being of a large value, to wit, of the value of one hundred pounds current money aforesaid, and carried away the same and converted and disposed thereof to their own use, and other wrongs to the said Plaintiffs in their own right and in their qualities aforesaid then and there did against the peace of our Lord the King, and to the Damage of the said Plaintiffs in their own right and in their qualities aforesaid, of five hundred pounds current money aforesaid.

All which allegations the said Plaintiffs in their own right and in their qualities aforesaid, do hereby aver to be true and well founded in fact and in law, and the same will verify, prove and maintain, when and as this Honorable Court shall direct.

Wherefore, the said Plaintiffs in their own right and in their qualities aforesaid, pray that the process of this Honourable Court, to wit, a Writ of summons *ad respondendum*, and that the same issue to compel the said Defendants to be and appear in this Honourable Court on Tuesday the first day of February next, to answer unto the said Plaintiffs in their own right and in their qualities aforesaid, of the *Demande* contained in this Declaration, and that for the Causes aforesaid, by the judgment of this Honorable Court, the said Plaintiffs in their own right and in their qualities aforesaid, may be kept and maintained in the possession and enjoyment of the said tract of land hereinbefore de-

scribed, and that the said Defendants be enjoined not to trouble, molest or disturb them the said Plaintiffs in their own right and in their qualities aforesaid, in the possession of the said tract of land, and further, that the said Defendants may be then and there adjudged and condemned jointly and severally to pay and satisfy to the said Plaintiffs in their own right and in their qualities aforesaid, the said sum of five hundred pounds, lawful current money aforesaid, with legal interest and costs of Suit. Dated 27th day of January, 1831, Primrose & Bell Attorney for Plaintiffs.

(Endorsed,)

In the King's Bench, No 1617.

James T. S. Stuart, Plaintiffs,

v.s.

William Lampson & al., Defendants.

Declaration of a *demande* for £500 Currency, in an Action of *Complainte* & Trespass. William Lampson and Robert Martin Brownson. Gentlemen, You are served with this Process, to the intent, that you may appear either in person or by Attorney in His Majesty's Court of King's Bench for the District of Quebec, at the return thereof, being the first day of February next, in order to your defense in this Action.

Dated the 27th day of January, 1831.

PRIMROSE & BELL,
Attornies for Plaintiffs.

Province of Lower-Canada, }
District of Quebec, }

WILLIAM The Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. No. 1617.

To the Sheriff of Our District of Quebec, Greeting:

We command you, within the limits of our District to summon William Lampson of the City of Quebec, in the County of Quebec, in the District of Quebec, Merchant, and Robert Martin Brownson of the same place, Gentleman, to be and appear before us in our Court of King's Bench, for our District of Quebec, in our City of Quebec, in our said District, on Tuesday the first day of February next, to answer James T. S. Stuart of Ardagh, in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland, Esquire; Mary Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster; William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire; Henriette Guichaud of the City, County and District of Quebec, Widow of the late Honorable Thomas Dunn in his life time one of the Executive and Legislative Councillors for the Province of Lower-Canada, and *Commune en biens* with him; Thomas Dunn and William Dunn, both of the City of London, in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires; Margaret Bell of the City, County and District of Quebec, Widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Ann Catherine Dunn and Frances Sarah Dunn, her minor children issue of her marriage with the said Robert Dunn, deceased, and heirs

heirs of the said Robert Dunn; John Greenshields of Kerse in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City of Quebec, in the County of Quebec, in the District of Quebec aforesaid, Esquire; and the Honorable John Richardson, of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councillors in and for the said Province of Lower-Canada, of the *demande* contained in the annexed Declaration, and further to do and receive what in our said Court, before us, in this behalf, shall be considered, and have you then and there this Writ.

Witness the Honorable Jonathan Sewell, Esquire, Chief Justice of our said Province of Lower Canada, and one of the Justices of our said Court of King's Bench, for our District of Quebec, at our City of Quebec, the 27th day of January, 1831 and in the first year of our reign.

PERRAULT and BURROUGHS, P. K. B.

I have summoned the within named, William Lampson and Robert Martin Brownson, as by this Writ I am commanded, by serving upon the twenty eighth day of January instant, on the said Robert Martin Brownson, personally at the City of Quebec, in the County and District of Quebec, a copy of the within Writ and declaration hereunto annexed, and the said William Lampson, by leaving upon the same twenty eighth day of January instant, at the domicile of the said William Lampson, situate at the City of Quebec, in the County of Quebec, in the District of Quebec, a copy of the said Writ and a copy of the declaration hereunto annexed, with a grown person then belonging to his family.

Quebec, 31st day of January 1831.

WM. S. SEWELL, Sheriff.

Sheriff's Fee, 15s.

Province of Lower Canada, }
District of Quebec. } In the King's Bench.

No. 1617.

James T. S. Stuart & *al.* Plaintiffs,
vs.
William Lampson, *al.* Defendts

List of exhibits fyled by the Plaintiffs:
No. 1. Tutelle des enfans mineurs de feu Sieur Robert Dunn, et De Margaret Bell en date du 31 Janvier 1825.
No. 2. Acte of Tutorship to the minor of the late Robert Dunn, dated 6th June 1828.

Quebec, 1 February 1831.

PRIMROSE & BELL.

(Endorsed.)

In the King's Bench.

No. 1617,

James T. S. Stuart & *al.* Plaintiffs.
vs.
William Lampson, & *al.* Defendts.

List of exhibits fyled by the Plaintiffs:

Filed 1st February 1831.

P. & B.

In

In the year one thousand eight hundred and twenty five, on the thirty-first day of January, at the Prothonotaries' Office of the Court of King's Bench, at eleven o'clock in the forenoon, and before us, Edward Bowen, Esquire, one of the Justices of the Court of King's Bench, for the District of Quebec, appeared Dame Margaret Bell, of the City of Quebec, widow of the late Robert Dunn, Esquire, in his life time of Quebec, who stated to us, that, in consequence of our order of this day, given at the foot of the Petition presented to us, for the purpose of appointing a Tutor and a Sub-Tutor, for Mary Henrietta Margaret, of three years of age, and Anne Catherine of fourteen months of age, two minor children issue of the marriage between the said late Robert Dunn, Esquire, and the said Dame Margaret Bell, she had, for that purpose, caused to be assembled before us, to wit, Matthew Bell, Esquire, maternal grand father, the Honble. John Caldwell, John Stuart, Thomas Douglas, Joseph Planté, John George Irvine, the Honble. James Irvine, Esquire, friends, Louis Montizambert, friend, and James Bell, Esquire, uncle, of the said minors, requiring of us, they being present, to receive their advice and opinion, respecting the said appointment, and the above named persons being then and there present, we caused the said Petition to be read to them, and took and received from them the usual oath; and, after being sworn, they all, unanimously, said that they are of opinion that the said Dame Margaret Bell, ought to be tutrix to her said minor children, and the Honble. James Irvine sub-tutor, who being both here present, voluntarily accepted the said offices, and promised, each respectively, to fulfil their duties in the premises, under the usual oaths, and have all signed these presents, the same having been read to them. (signed,) Margaret Dunn, M. Bell, John Caldwell, J. Stuart, Thomas Douglass, John George Irvine, Jas. Bell, Ls. Montizambert, Joseph Planté, James Irvine. Whereupon we, the Justice aforesaid, have homologated, the advice and opinion above mentioned, and, in conformity thereto, declare, that Margaret Bell, widow Dunn, shall be and remain, tutrix to her said minor children, in order to controul and regulate their persons and their effects, and the Honble. James Irvine, to be sub-tutor.

(Signed,) EDWARD BOWEN,

J. K. B.

A true Copy,

Quebec, 26th November 1831.

Endorsed.

Le 31 Janvier, 1825. guardianship, (Tutelle) of the minor children of the late Robert Dunn Esquire, and Dame Margaret Bell.

In the King's Bench.

No. 1617.

Jas. T. S. Stuart, & *al.* Plaintiffs,

vs.

William Lampson, & *al.* Defendts.

Exhibits No. 1. Filed 1st February 1831. P. & B

Province of Lower Canada, }
District of Quebec. } Ss.

Be it remembered, that on the sixth day of June in the

the year of our Lord, one thousand eight hundred and twenty eight, at the Prothonotaries Office, in the City of Québec, at ten of the clock in the forenoon, Margaret Bell, of the City of Québec, widow of the late Robert Dunn, in his life time of the said City of Québec, Esquire, deceased, brought before me, the Honorable Edward Bowen one of the Judges of His Majesty's Court of King's Bench for the District of Québec, in consequence of my order of this day, on a Petition to me presented, praying, for the reasons therein contained, to have a tutor or tutrix and sub-tutor appointed to Frances Sarah Dunn, one of the minor children issue of the marriage of the said late Robert Dunn and the said Margaret Bell, now of the age of three years, the following persons, to wit, William Dunn, uncle paternal, the Honorable Matthew Bell, maternal grand father, the Honorable James Irvine, the Honorable John Stewart, Noah Freer, Louis Panet, Joseph Remy Vallières de St. Réal, Esquires, all of Québec, friends, who being severally duly sworn to choose and nominate a fit and proper person to be Tutor or Tutrix and Sub-Tutor to the said Frances Sarah Dunn, and having maturely deliberated thereon, do choose and nominate the said Margaret Bell to be tutrix to the said Frances Sarah Dunn, and the Honorable James Irvine to be sub-tutor to the said Frances Sarah Dunn. (signed) Margaret Dunn, James Irvine, Wm. Dunn M. Bell, J. Stewart, Noah Freer, Louis Panet, Vallières de St. Réal. Which nomination I have approved of, and do confirm.—And the said Margaret Bell, and the Honorable James Irvine being present, were the day and year aforesaid, (these presents having been first duly read, and the several persons herein before named, hereunto set and subscribed their names,) sworn well and truly to discharge their duties as tutrix and sub-tutor to the said Frances Sarah Dunn, to the best of their skill and capacity, and as the law directs.

(signed,) EDW. BOWEN, J. K. B.

A true Copy.

At Québec, this 27th November 1830.

PERRAULT & BURROUGHES, P. K. B.

(Endorsed,) Québec, 6th June 1828. Act of Tutorship to the minor of the late Robert Dunn.

King's Bench No. 1617. Jas. T. S. Stuart & al. Plaintiffs vs. William Lampson & al. Defendants. Plaintiffs Exhibit No. 2.

Filed, 1st February 1831.

P. & B.

No. 1617. J. T. Stuart, Plaintiff.

vs.

Wm. Lampson, Defendant
I appear for the Defendants.

A. GUGY, for Defendant.

4th Feby. 1831.

(Endorsed.)

K. B. No. 1617. J. T. Stewart, Plaintiff,

vs.

Wm. Lampson, Defendant.

Filed 4 February 1831.

P. & B.

Lower Canada, }
Québec. } King's Bench.

1617.

James T. S. Stewart, & al. Plaintiffs,

vs.

Wm. Lampson, & al. Defendants.

Motion.—That all proceedings in this cause be staid until the Plaintiffs shall have given good and sufficient security for the payment of Costs.

A. GUGY, Québec, 4th February 1831.

A. GUGY, for Defendant.

(Endorsed,) K.B. No. 1617, James T. S. Stewart, Plaintiff, vs. William Lampson & al. Defendants. Motion for Security for Costs. Filed 4th February, 1831.

P. & B.

Province of Lower Canada, }
District of Québec. } In the King's Bench.
No. 1617.

James T. S. Stuart & al. Plaintiffs.

vs.

William Lampson & al. Defendants.

Motion, that the Rule of the 4th instant, obtained by the Defendants in this Cause, for security for Costs, be set aside for having been improvidently granted, and the order made thereon cancelled for irregularity, with Costs, *Nisi Causa* the 11th instant. Québec, 9th February, 1831.

PRIMROSE & BELL,
For Plaintiff.

(Endorsed,) K. B. No. 1617.—J. S. Stuart & al. Plaintiffs, vs. William Lampson & al. Motion, filed 9th February, 1831.

P. & B.

Province of Lower Canada, }
District of Québec. } In the King's Bench.

The 9th day of February, 1831.—No. 1617.

James T. S. Stuart & al. Plaintiffs.

vs.

William Lampson & al. Defendants.

Ordered, on motion of Messrs. Primrose & Bell, that the Rule of the fourth instant, obtained by the Defen-

dants in this Cause for security for Costs, be set aside, for having been improvidently granted, and the order made thereon cancelled for irregularity, with Costs, *Nisi Causa* the eleventh instant.
By the Court.

PERRAULT & BURROUGHS,
P. K. B.

(Endorsed,) In the King's Bench. No. 1617. James T. S. Stuart & *al.* Plaintiffs, vs. William Lampson & *al.* Defendants.—Rule *Nisi*. Filed the 9th day of February, 1831.
P. & B.

Province of Lower Canada, } In the King's Bench.
District of Quebec. }
No. 1617.

James T. S. Stuart & *al.* Plaintiffs.

vs.

William Lampson & *al.* Defendants:

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench of and for the District of Quebec, do hereby certify under my oath of office, that on the ninth day of February instant, at Quebec, before four o'clock in the afternoon, he did personally serve the present Rule *Nisi*, original whereof is hereunto annexed, upon Mr. B. C. A. Gagy, Esquire, Attorney for the Defendant in this Cause, by delivering a true copy thereof then and there at his Domicile in Quebec, speaking to a person of sound mind being part of the family, and by then and there exhibiting to the said person of sound mind, the original of the said Rule *Nisi*. Quebec, the 9th February, 1831.

EDWARD WEGEND, B. C. K. B.

Service 2s.

Province of Lower Canada, }
District of Quebec. }

In the King's Bench,
the 4th day of Feby. 1831.

No. 1617.

James T. S. Stewart *et al.* Plaintiffs.

vs.

William Lampson *et al.* Defendants.

Ordered, upon motion of Mr. Gagy, of Counsel for the Defendant, that all proceedings in this cause be staid, until the Plaintiff shall have given security to the said Defendant, for the costs of the present action.

By the Court,

PERRAULT & BURROUGHS,
P. K. B.

(Endorsed,) In the King's Bench, No. 1617.—Stuart *et al.* Plaintiffs, vs. Lampson, Defendant. Rule *Nisi* for security for costs. Filed the 11th Feby. 1831.
P. & B.

Province of Lower Canada, } In the King's Bench.
District of Quebec. }
No. 1617.

J. T. S. Stuart, *et al.* Plaintiffs.

vs.

W. Lampson, *et al.* Defendants.

Leger Lambert, one of the sworn Bailiff's of His Majesty's Court of King's Bench, of and for the District of Quebec, do hereby certify, under my oath of office, that on the 10th February, at Quebec, before six o'clock in the afternoon, he did personally serve the Rule of Court, original of which is hereunto annexed, upon Messrs. Primrose and Bell, Attornies for the Plaintiffs in this cause, by delivering then and there a true copy thereof, at their domicile, speaking to a person of sound mind belonging to their family, and by exhibiting then and there to the said person of sound mind, the original of the said Rule. Quebec, the 10th February, 1831.

LEG. LAMBERT, B. C. K. B.

Service 2s.

Lower Canada, } In the King's Bench.
Quebec. }
No. 1617.

James T. S. Stewart, & *al.* Plaintiffs.

vs.

William Lampson, & *al.* Defendants.

Motion, for *Acte* to the Defendants, that they do most respectfully except to the Judgment pronounced this day.

A. GUGY, Atty.

Quebec, 11th February, 1831.

(Endorsed,) K. B. No. 1617.—J. T. S. Stuart, Plaintiff, vs. William Lampson, & *al.* Defendants. Exception to Judgment. Filed 11th February, 1831.
P. & B.

Province of Lower Canada, } In the King's Bench.
District of Quebec. }
No. 1617.

James T. S. Stewart, & *al.* Plaintiffs.

vs.

William Lampson, & *al.* Defendants.

And the said Defendants by this their *exception péremptoire à la forme*, say that in this Cause, the Court of Our Lord the King now here by Law cannot proceed nor compel the said Defendants to answer in any manner unto the *demande* of the said Plaintiffs, in the declaration of the said Plaintiffs in this Cause filed, contained, because they say that the Declaration in this Cause is insufficient, irregular, (*non suffisamment libellée*) vague, defective, informal and null to all intents and purposes, for divers reasons, and among others, for the following:—Because the said Plaintiffs have not set forth the time during which they pretend to have possessed the said Immoveables described in their Declaration in this Cause filed previous to the seventeenth day of May last, being the day on which the pretended trouble and molestation is alleged to have taken place, and that the said Plaintiffs do not pretend or allege that they had then possessed the said Immoveables for a year and a day previous thereto, and that no possession for less than a year and a day, previous to the period at which they were troubled in their said pretended possession, could support their present action, and that the allegation

allegation of possession in the said declaration is insufficient and inadmissible.

Because the said Plaintiffs have not in and by their said declaration, alleged and set forth that they the Plaintiffs possessed for themselves or in their own name, or as proprietors, and that in fact the said Plaintiffs were by Law, in order to support the present Action, bound to have alleged a possession "*à autre titre que de fermier ou de possesseur précaire,*" and that without such allegation of possession and without a possession *animo domini*, or under other title or in other quality than that of Lessee, they, the said Plaintiffs, are not by Law entitled to bring the present Action.

Because the said Plaintiffs not having rebutted or disclaimed of possession as Lessees (*Fermier,*) as they were and are required by Law to have done, in order to support the present form of Action, and they, the said Plaintiffs not possessing *animo domini*, nor even as usufructuaries, but on the contrary only as Lessees, the allegations of the said Plaintiffs and the declaration itself are and is insufficient to support their present conclusions; and that by Law the said Plaintiffs upon the facts stated and set forth in their declaration are only entitled to have the Action in *factum* and not the Action *en complainte*. All which allegations, the said Defendants do hereby aver to be true and well founded in fact and in Law, and the same will verify, prove and maintain when and as this Honorable Court shall direct. Wherefore, the said Defendants humbly pray, that for the causes aforesaid, by the Judgment of this Honorable Court, the Writ and process *ad respondendum* in this cause issued, and the declaration of the said Plaintiffs in this cause filed, and each of them be declared null and of no effect whatever, and the said Writ and process *ad respondendum* and declaration be hence dismissed, with costs.

A. GUGY.

Quebec, 5th February 1831.

(Endorsed.) In the King's Bench, No. 1617.—James T. S. Stuart & al: Plaintiffs, vs. William Lampson & al: Defendants.—*Exception péremptoire à la forme*. Sir, Take notice that the present *exception péremptoire à la forme* hath been filed this day, and that the common rule to answer thereto will expire the 3rd day next thereafter.

To Messrs. Primrose & Bell Attorney for Plaintiff, the 5th of February 1831.

A. GUGY, Attorney for Defendant.

Filed the 11th of February 1831.

P. & B.

Province of Lower-Canada, } In the King's Bench.
District of Quebec.

No. 1617.

James T. Stuart & al: Plaintiffs,

vs.

William Lampson & al: Defendants.

Leger Lambert, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, upon his oath of office, doth hereby certify that on Friday the eleventh day of February in-

stant, before the hour of six in the afternoon, at Quebec, he personally did serve upon Messrs. Primrose & Bell, the Attornies for the Plaintiffs in this cause, at the office of the said Messrs. Primrose & Bell, situate in the Upper-Town of Quebec, a true copy of the *Exception péremptoire à la forme* in this cause filed on the said eleventh day of February instant, by delivering then and there the said copy, duly certified to be such under the signature of Mr. Gagy, the Attorney for the Defendant in this cause, to a grown and reasonable person of their families, and the said Leger Lambert further saith, that upon the said copy so served was endorsed an exact duplicate in all things in the notice endorsed upon the said *exception péremptoire à la forme* so filed. Dated the 11th day of February 1831.

LEG. LAMBERT, B. C. K. B.

Service, 2s.

Province of Lower-Canada, } In the King's Bench.
District of Quebec.

No. 1617.

James T. S. Stuart & al: Plaintiffs,

vs.

William Lampson & al: Defendants.

Motion, that the *Exception péremptoire à la forme* of the Defendants in this cause be taken off the file, as having been irregularly received and filed, with costs, *nisi causa* the fourteenth instant. Quebec, 12th February 1831.

PRIMROSE & BELL,
Attys. for Plaintiffs.

(Endorsed.) No. 1617.—Jas. T. S. Stuart & al: Plaintiffs, vs. William Lampson & al: Defendants, —Motion. Filed 12th February 1831.
P. & B.

Province of Lower-Canada, } In the King's Bench.
District of Quebec.

The 12th day of February 1831.—No. 1617.

James T. S. Stuart & al: Plaintiffs,

vs.

William Lampson & al: Defendants.

Ordered, on motion of Messrs. Primrose & Bell, on the part of the Plaintiffs, that the *Exception péremptoire à la forme* of the Defendants in this cause be taken off the file, as having been irregularly received and filed with costs, *nisi causa* the fourteenth instant.

By the Court.

PERRAULT & BURROUGHS,
P. K. B.

(Endorsed.) In the King's Bench, No. 1617.—Jas. T. S. Stuart & al: Plaintiffs, vs. William Lampson & al: Defendants. Rule *Nisi*. Filed the 12th day of February 1831.
P. & B.

Province

Province of Lower Canada, } In the King's Bench.
District of Quebec.

No. 1617.

Jas. T. S. Stuart & al: Plaintiffs,

vs.

William Lampson, & al: Defendants.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench, of and for the District of Quebec, do hereby certify, under my oath of office, that on the twelfth day of February instant, at Quebec, before four o'clock in the afternoon, he did personally serve the present Rule *Nisi*, original of which is hereunto annexed, upon Mtre. B. C. A. Gagy, Esquire, Attorney for the Defendants in this cause, by then and there delivering a true copy thereof at his domicile at Quebec, speaking to a person of sound mind, being one of the family, and by exhibiting then and there to the said person of sound mind, the original of the said Rule *Nisi*. Quebec, the 12th February 1831.

EDWARD WEGEND,
B. C. K. B.

Service, 2s.

Province of Lower-Canada, } In the King's Bench.
District of Quebec.

No. 1617.

Jas. T. S. Stuart & al: Plaintiffs,

vs.

William Lampson & al: Defendants.

And the said Defendants, in reply to the matter (*fonds*,) of the demand made in the declaration of the said Plaintiffs, filed in this cause, without admitting or acknowledging the truth of any of the matters or things contained and alleged in the said declaration, say, by the present *Défense au fonds en droit*, that all and every the allegations of the said Plaintiffs, contained and alleged in the said declaration, are absolutely and entirely unfounded in Law, and insufficient for the said Plaintiffs to have and to maintain against the said Defendants, any of the conclusions taken therein, nor the action of the said Plaintiffs to that effect, against the said Defendants, which they are ready to justify. Wherefore the said Defendants humbly pray that the suit of the said Plaintiffs herein, may, by the judgment of this Honorable Court, be dismissed, with costs. Quebec, the 17th of February 1831.

A. GUGY,
For the Defendts.

(Endorsed.) In the King's Bench, No. 1617.—J. T. S. Stuart & al: Plaintiffs, vs. W. Lampson & al: Defendants *défense au fonds en droit*. Sir, Please to take notice that the present *défense au fonds en droit*, has been filed this day, and that the rule for replication will expire on the second day following. To Messrs. Primrose & Bell, Attornies for the Plaintiffs, this 7th of February 1831.

A. GUGY, Atty. for Defendts.
Filed the 19th of February 1831.
P. & B.

I, the Bailiff undersigned, certify, under my oath of office, that on the nineteenth of February, I served the original *défense au fonds en droit*, upon Messrs. Primrose & Bell, Attornies for the Plaintiffs in this cause, by leaving a copy thereof at their domicile, speaking to a person of sound mind one of their family, and by exhibiting the present original to the said person of sound mind. Quebec, the 19th February 1831.

LEG. LAMBERT, B. C. K. B.

Service, 2s.

Province of Lower Canada, } In the King's Bench.
District of Quebec.

No. 1617.

James T. S. Stuart, & al. Plaintiffs.

vs.

William Lampson, & al. Defendants.

And the said Defendants for answer *au fonds en fait* to the *Demande* of them the said Plaintiffs in the Declaration of the said Plaintiffs in this cause filed, contained, by this their *Défense en fonds en fait* say, that the allegations of the said Plaintiffs, and the matters and things in the said Declaration set forth and contained, and each and every of them is and are wholly and altogether unfounded in fact and untrue, and that the said defendants are not guilty in the manner and form in which they the said Plaintiffs have alleged and declared in and by the said Declaration in this cause filed.

Wherefore the said Defendants humbly pray that by the judgment of this Honorable Court, the Action of them the said Plaintiffs in this behalf be hence dismissed with costs. Quebec, the 17th day of February 1831.

A GUGY,
Atty. for Defendants.

(Endorsed.) In the King's Bench, No. 1617. James T. S. Stuart, & al. Plaintiffs vs. William Lampson, & al. Defendants, *Défense au fonds en fait*. Sir, Take notice that the present *Défense au fonds en fait*, hath been filed this day, and that the Rule to reply will expire the 2d day next hereafter. To Messrs. Primrose & Bell, Attorney for Plaintiffs, the 7th of February 1831. A. GUGY, Attorney for Defendants. Filed the 19th of February 1831, P. & B.

I, the Bailiff undersigned, certify, under my oath of office, that, on the nineteenth of February, at Quebec, before Six o'clock in the afternoon, I personally served the Original *Défense au fonds en fait*, upon Messrs. Primrose & Bell, Attornies for the Plaintiffs in this cause, by leaving a copy thereof at their domicile, speaking to a person of sound mind one of their family, and by exhibiting to him the present original. Quebec, the 19th February 1831.

LEG. LAMBERT, B. C. K. B.

Service—2s.
Province

Province of Lower Canada, }
District of Quebec. } In the King's Bench.

No. 1617.

James T. S. Stuart, & *al.* Plaintiffs,

vs.

William Lampson, & *al.* Defendants.

And the said Plaintiffs by this their replication to the *défense au fonds en droit* of the said Defendants in this cause fyled, say, that the allegations of them the said Plaintiffs and the matters and things in the declaration of them the said Plaintiffs in this cause fyled, set forth and contained, and each and every of them, is and are wholly and altogether true and well founded in law and sufficient therein for them the said Plaintiffs to have and maintain against the said Defendants the conclusions in the said declaration taken and each and every of them, and the action of them the said Plaintiffs in this behalf.

Wherefore the said Plaintiffs persists in the conclusions of their said declaration, and humbly pray as therein and thereby they have already prayed—Quebec, the 23d day of February 1831.

PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed.) In the King's Bench, No. 1617.—James T. S. Stuart, & *al.* Plaintiffs *vs.* William Lampson, & *al.* Defendants. Replication to the *défense au fonds en droit*.—Sir, Take notice that the present replication to the *défense au fonds en droit*, hath been fyled this day. To Mr. Gagy, Attorney for Defendants, the 23d of February 1831. Primrose and Bell, Attornies for Plaintiffs—Fyled the 25th of Feby. 1831. P. & B.

Province of Lower Canada, }
District of Quebec. } In the King's Bench.

James T. S. Stuart, & *al.* Plaintiffs,

vs.

William Lampson, & *al.* Defendants.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench of and for the District of Quebec, do hereby certify, under my oath of office, that on the twenty-fifth day of February instant, at Quebec, between two, three o'clock in the afternoon, he did personally serve the present Replication to the *défense au fonds en droit*, & the Notice endorsed thereon, Original whereof is hereunto annexed, upon Mre. B. C. A. Gagy, Esquire, Attorney for the Defendants in this cause, by delivering a true Copy thereof then and there at his domicile in Quebec, speaking to himself in person, and by exhibiting then and there to the said B. C. A. Gagy, Esquire, the Original of the said Replication and Notice. Quebec, the 25th February 1831.

EDWD. WEGEND, B. C. K. B.

Service—2s.

Province of Lower Canada, }
District of Quebec. } In the King's Bench.

No. 1617.

James T. S. Stuart, & *al.* Plaintiffs,

vs.

William Lampson, & *al.* Defendants.

And the said Plaintiffs by this their Replication to the *Défense au fonds en fait*, of the said Defendants in this cause fyled, say, that the allegations of the said Plaintiffs and the matters and things in the declaration of the said Plaintiffs, in this cause fyled, set forth and contained, and each and every of them is and are wholly and altogether true and well founded in fact and in law; and the said Defendants are guilty in the manner and form in which they the said Plaintiffs have alleged and declared in and by this said declaration.

Wherefore the said Plaintiffs persist in the conclusions of their said declaration and humbly pray as therein and thereby they have already prayed Quebec, the 23d day of February 1831.

PRIMROSE & BELL,
Atts. for Plaintiffs.

(Endorsed.) In the King's Bench, No. 1617, James T. S. Stuart & *al.* Plaintiffs *vs.* William Lampson, & *al.* Defendants. Replication to the *Défense au fonds en fait*. Sir, Take notice that the present Replication to the *Défense au fonds en fait* hath been fyled to this day.—To Mr. Gagy, Attorney for Defendants, the 23d of February 1831. Primrose & Bell, Attornies for Plaintiffs. Filed the 25th of Feby. 1831. P. & B.

Province of Lower Canada, }
District of Quebec. } In the King's Bench,

No. 1617.

James T. S. Stuart, & *al.* Plaintiffs,

vs.

William Lampson, & *al.* Defendants.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench of and for the District of Quebec, do hereby certify, under my oath of office, that, on the twenty-fifth day of February instant, at Quebec, between two and three o'clock in the afternoon, he did personally serve the present Replication in *Défense au fonds en fait*, and the Notice endorsed thereon, original whereof is hereunto annexed, upon Mre. B. C. A. Gagy, Esquire, Attorney for the Defendants in this cause, by delivering then and there a true copy thereof at his domicile in Quebec, speaking to him in person, and by then and there exhibiting to the said B. C. A. Gagy, Esquire, the original of the said Replication and Notice. Quebec, the 25th February 1831.

EDWD. WEGEND, B. C. K. B.

Service—2s.

Province of Lower-Canada, } In the King's Bench.
District of Quebec.

No. 1617.

James T. S. Stuart, & *al.* Plaintiffs,
vs.
William Lampson, & *al.* Defendants.

We do hereby inscribe this Cause upon the *Roll de Droit*, for hearing *en droit* upon the pleadings, by which the issues have been raised and perfected upon the *Défenses au fonds en droit* and *Défenses au fonds en fait* of the said Defendants in this cause fyled. Quebec, the 26th February 1831.

PRIMROSE & BELL,
Attornies for Plaintiffs.

(Endorsed,) In the King's Bench, No. 1617, Jas. T. S. Stuart, & *al.* Plaintiffs, *vs.* William Lampson, & *al.* Defendants. Inscription upon the *Roll de droit* for hearing *en droit* upon the pleadings. Filed the 26th of February 1831.

P. & B.

Province of Lower-Canada, } In the King's Bench.
District of Quebec,

No. 1617.

James T. S. Stuart, & *al.* Plaintiffs,
vs.
William Lampson, & *al.* Defendants.
Sir,

Take notice that this Cause is inscribed upon the *Roll de droit* for hearing *en droit* upon the pleadings, by which the issues have been raised and perfected upon the *Défense au fonds en droit*, and the *Défense au fonds en fait* of the said Defendants in this Cause fyled. Quebec, the 26th day of February, 1831.

PRIMROSE & BELL,
Attornies for Plaintiffs.

To Mr. Guky, Attorney for Defendants.

(Endorsed.) In the King's Bench, No. 1617.—Jas. T. S. Stuart, & *al.* Plaintiffs, *vs.* William Lampson, & *al.* Defendants.—Notice of Inscription upon the *Roll de droit* for hearing *en droit* upon the pleadings. Fyled the 5th March, 1831.

P. & B.

Province of Lower Canada, } In the King's Bench.
District of Quebec.

No. 1617.

James T. S. Stuart, & *al.* Plaintiffs,
vs.
William Lampson, & *al.* Defendants.

Edward Wegend, one of the sworn Bailiffs of His Majesty's Court of King's Bench of and for the District of Quebec, do hereby certify, under my oath of office, that, on the first day of March, instant, he did personally serve, at Quebec, between three and four o'clock

in the afternoon, the present Notice of Inscription in the *Rolls de droit*, original whereof is hereunto annexed, upon Mr. B. C. A. Guky, Esquire, Attorney for the Defendants in this Cause, by delivering a true copy thereof there and then at his domicile in Quebec, speaking to a person of sound mind, being one of the family, and by then and there exhibiting to the said person of sound mind, the original of the said Notice of Inscription. Quebec, the 1st of March, 1831.

EDWARD WEGEND B. C. K. B.

Service, 2s.

Province of Lower-Canada, } In the King's Bench.
District of Quebec.

No. 1617.

James T. S. Stuart of Ardagh in the County of Mayo, in that part of the United Kingdom of Great Britain and Ireland, called Ireland, Esquire; Mary Stuart of Westbury upon Tryne in the County of Gloucester, in that part of the United Kingdom of Great Britain and Ireland, called England, Spinster; William Taylor Peter Shortt of Uphill in the County of Somerset, also in that part of the United Kingdom of Great Britain and Ireland, called England, Esquire; Henriette Guichaud of the City, County and District of Quebec, widow of the late Honorable Thomas Dunn, in his lifetime one of the Executive and Legislative Councillors for the Province of Lower Canada, and *commune en biens* with him; Thomas Dunn and William Dunn, both of the City of London in the County of Middlesex, in that part of the United Kingdom of Great Britain and Ireland, called England, Esquires; Margaret Bell of the City, County and District of Quebec, widow of the late Robert Dunn, Esquire, in her quality of Tutrix duly appointed *en justice* to Mary Henrietta Margaret Dunn, Anne Catharine Dunn and Frances Sarah Dunn, her minor children issue of her Marriage with the said Robert Dunn deceased, and heirs of the said Robert Dunn; John Greenshields of Kerse in the County of Lanark, in that part of the United Kingdom of Great Britain and Ireland, called Scotland, Esquire; James Weir of the City, County and District of Quebec, Esquire, and the Honorable John Richardson of the City, County and District of Montreal, Esquire, one of the Executive and Legislative Councillors in and for the said Province of Lower Canada, Plaintiffs.

vs.
William Lampson of the City, County and District of Quebec, Merchant, and Robert Martin Brownson of the same place, Gentleman, Defendant.

1st February, 1831.

Wm. S. Sewell, Esquire Sheriff, of the District of Quebec, returned the Writ of Summons *ad respondendum* issued in this Cause upon a *Demande* for the sum of Five hundred pounds curreney, in an action of *Complainte* and *Trespass* returnable this day, and certified thereon the service thereof upon the Defendants, William Lampson and Robert Martin Brownson, together with the Declaration thereunto annexed, signed by Messrs. Primrose & Bell, as Attornies for the Plaintiffs, who filed a list with two Exhibits.

The Defendants being called, and not appearing, the Court grants *Acte* of this first default against them.

4th

4th February, 1831.

The Defendants being called *de novo*, A. Gogy, Esquire, appeared for them, and was permitted to take off the first default duly obtained and entered in this Cause against the said Defendants, on payment of Costs.

Ordered, upon motion of Mr. Gogy, of Counsel for the Defendants, that all proceedings in this Cause be staid, until the Plaintiffs shall have given security for the Costs of the present action.

9th February, 1831.

Ordered, on motion of Messrs. Primrose & Bell of Counsel for the Plaintiffs, that the Rule of the fourth instant obtained by the Defendants in this Cause for security for Costs, be set aside for having been im-providently granted, and the Order made thereon cancelled for irregularity, with costs, *nisi causa* the eleventh instant.

11th February, 1831.

Acte of the filing by the Plaintiffs of a certified copy of the Rule of the ninth instant, with a certificate thereunto annexed, of the service thereof upon Mr. Gogy.

The parties by their Counsel having been respectively heard upon the Rule of the ninth instant, the Court doth declare the said Rule absolute, and in consequence, doth order that the Rule of the fourth instant, obtained by the Defendants in this Cause for security for costs, be and the same is hereby set aside, as having been irregularly granted, and the order made thereon cancelled for irregularity, with costs.

Acte of the filing by the Defendants of an Exception to the Judgment pronounced this day.

Acte of the filing by the Defendants of an *Exception péremptoire à la forme*.

12th February, 1831.

Ordered, on motion of Messrs. Primrose and Bell, on the part of the Plaintiffs, that the *Exception péremptoire à la forme* of the Defendants in this Cause filed, be taken off the fyle as having been irregularly received and filed, with costs, *nisi causa* the fourteenth instant.

Acte of the filing by the Plaintiffs of a certified copy of the Rule of the twelfth instant, with a certificate thereunto annexed of the service thereof upon Mr. Gogy.

17th February, 1831.

The parties by their Counsel having been respectively heard upon the Rule of the twelfth instant, *curia advisare vult*.

19th February, 1831.

The Court having heard the parties by their respective Counsel upon the Rule of the twelfth instant, and thereon maturely deliberated, doth declare the said Rule absolute, and in consequence doth order that the *Exception péremptoire à la forme* of the Defendants in this Cause be and the same is hereby taken off the fyle as

having been irregularly received and filed, with costs.

Acte of the filing by the Defendants of a *Défense au fonds en droit* and of a *Défense au fonds en fait*.

Acte of the filing by the Plaintiffs of a Replication to the *Défense au fonds en droit* and of a Replication to the *Défense au fonds en fait* in this Cause filed.

26th February, 1831.

Acte of the Inscription of this Cause by the Plaintiffs upon the Roll *de droit* for hearing *en droit* upon the Pleadings by which the issues have been raised and perfected upon the *Défense au fonds en droit* and the *Défense au fonds en fait* in this Cause filed.

5th February, 1831.

Acte of the filing by the Plaintiffs of a notice of the Inscription of this Cause upon the Pleadings, with a certificate thereunto annexed of the service thereof upon Mr. Gogy.

Province of Lower-Canada, }
District of Quebec, } In the King's Bench.

the 28th day of March, 1831.

The thirty-nine preceding pages contain true copies of all the documents filed, and of all the entries made in the Registers of His Majesty's Court of King's Bench for the District of Quebec, in a cause now pending and undetermined in the said Court, wherein James T. S. Stuart, Mary Stuart, William Taylor Peter Shortt, Henriette Guichaud, Thomas Dunn, William Dunn, Margaret Bell, John Greenshields, James Weir and the Honorable John Richardson, are Plaintiffs; and William Lampson and Robert Martin Brownson are Defendants.

PERRAULT & BURROUGHS.
P. K. B.

[K.]

Province of Lower Canada, }
District of Quebec. }

In the King's Bench.

No. ,

William Lampson, of the City, County and District of Quebec
Trader, Plaintiff.

William Davis and Robert Cowie, of parts unknown, labourers,
Defendants.

I appear for the above named Plaintiff, and demand for the said Plaintiff, a Writ of attachment (*saisie révéndication*) to seize and attach in the hands of the said Defendants thirteen packs of Furs consisting principally of Beaver Skins, and also of Martins, Foxes, Minks and Muskrats, of great value, of and belonging to the Plaintiff, in the hands of the Defendants, against the said Defendants on *demande* for £2000 currency in an action of *révéndication* returnable on Friday the 1st day of October next.

Quebec, the 16th day of June, 1830.

(Signed,)

A. GUGY, Attorney.

(Endorsed.) In the King's Bench, No. 1212 — Wm. Lampson, Plaintiff, vs. Wm. Davies and another Defendant. *Præcipe* for a Writ of *révéndication*.

Province

William Lampson, Plaintiff,

vs.

William Davis and Robert Cowie, Defendants.

To the Honorable the Justices of His Majesty's Court of King's Bench for the District of Quebec.

William Lampson of the City, County and District of Quebec, Trader, complaining of William Davis and Robert Cowie, of parts unknown, Labourers, by this his Declaration, doth humbly represent ;

That heretofore, to wit, on the eighth day of June instant, in the year one thousand eight hundred and thirty, to wit, at the River Portneuf in that part of the King's domain lands called the King's Posts in the District of Quebec, the said Plaintiff was seized and possessed as of his own property of thirteen packs of Furs, consisting principally of Beaver Skins, and also of Martins, Foxes, Minks and Muskrats of great value, to wit, of the value of one thousand pounds currency, and being so seized and possessed, he the said Plaintiff lost the possession thereof, and the said thirteen packs of Furs came casually into the hands and possession of the said Defendants without title, and against the will of the said Plaintiff.

That the said Plaintiff now still is the proprietor of the said thirteen packs of Furs, yet that the said Defendants well knowing the premises, yet intending and contriving unjustly to deceive and defraud the said Plaintiff, have continued and still do continue to keep and detain the possession of the said thirteen packs of Furs, and neglect and refuse to deliver the same to the said Plaintiff, although thereunto often requested.

All which allegations the said Plaintiff doth hereby aver to be true and well founded in fact and in law, and the same will verify, prove and maintain when and as this Honorable Court shall direct.

Wherefore the said Plaintiff prays the process of this Honorable Court, to wit, a writ of attachment to seize and attach the said thirteen packs of Furs, and that the same issue to compel the said Defendants to be and appear in this Honorable Court on Friday the first day of October next, to answer unto him the said Plaintiff, of the *demande* contained in this declaration, and that for the causes aforesaid, by the judgment of this Honorable Court, the said Plaintiff may be declared and adjudged to be the sole and the true owner and proprietor of the said thirteen packs of Furs, and that hereupon the said Defendants may be then and there jointly and severally adjudged and condemned to restore, return and deliver the said thirteen packs of Furs to the said Plaintiff, and to pay to the said Plaintiff jointly and severally the said sum of one thousand pounds currency, and in case the said thirteen packs of Furs should be secreted or lost and cannot be found or attached, that then the said Defendants be jointly and severally adjudged and condemned to pay and satisfy to the said Plaintiff the sum of two thousand pounds, lawful current money aforesaid, with legal interest and costs of suit.

Dated the 15th day of June 1830.

(Signed,)

A. GUGY,

Attorney for Plaintiff.

Let a Writ of attachment, (*Saisie Révindicative*) issue as prayed for.

Quebec, day of June, 1830.

William Lampson, the above named Plaintiff, being duly sworn deposeseth and saith :

That all and every the matters and things in the preceding declaration stated to be matters of fact are true, and hath signed.

(Signed,)

WILLIAM LAMPSON.

Sworn before me this 16th day of June, 1830, and thereupon let a writ of attachment (*Saisie Révindicative*) issue as prayed for.

(Signed,)

J. T. TASCHEREAU,
J. K. B.

(Endorsed.) In the King's Bench, No. 1212, Wm. Lampson, Plaintiff, vs. William Davis and Robert Cowie, Defendants. Declaration of a *demande* for £2000 in an action of *Révindicative*. Messrs. William Davis and Robert Cowie, you are served with this Process to the intent that you may appear either in person or by Attorney at His Majesty's Court of King's Bench for the District of Quebec, at the return thereof, being the first day of October next, in order to your defence in this action.

Dated the 15th day of June, 1830.

(Signed,)

A. GUGY,

Attorney for Plaintiff.

George the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

No. 1212.

To the Sheriff of our District of Quebec, Greeting :—

We command you at the instance of William Lampson of the City of Quebec, in the County of Quebec, in the District of Quebec, Trader, to attach thirteen packs of Furs, consisting principally of Beaver Skins, and also of Martins, Foxes, Minks and Muskrats of and belonging to the said William Lampson and in the hands of William Davis and Robert Cowie, of parts unknown, labourers, if the same shall be found in your District, to the value of two thousand pounds currency, and the said thirteen packs of Furs consisting principally of Beaver Skins, and also of Martins, Foxes, Minks and Muskrats so attached, safely to hold, keep, and detain in your charge and custody until the attachment thereof which shall be so made under and by virtue of this Writ shall determine in due course of law. We command you also to summon the said William Davis and Robert Cowie to be and appear before us in our Court of King's Bench for our District of Quebec, in our City of Quebec, in our said District, on Friday the first day of October next, the said William Davis and Robert Cowie, to answer the said William Lampson, of the demand contained in the annexed declaration, and then and there to shew if they have or can say any thing, why in our said Court before us the attachment which shall be so made aforesaid, should not be declared good and valid, and further to do and receive what in our said Court before us in this behalf shall be considered, and in what manner you shall have executed this Writ, then and there to certify unto us with your doings thereon and every of them ; and have you then and there also this Writ. Witness the Honorable Jonathan Sewell, our Chief Justice of and for our said Province of Lower Canada and one of our Justices of our said Court of King's Bench for our District of Quebec, at our City of Quebec, the sixteenth day of June, 1830 in the eleventh year of our Reign.

(Signed)

PERRAULT & BURROUGHS,
P. K. B.

(Endorsed.)

In obedience to this Writ to me directed, I have at the instance of William Lampson on the twenty sixth day of June last, attached the articles and effects mentioned and set forth in the Procès-Verbal hereunto annexed, as belonging to within named William Lampson, which were found in my District, and the said articles and effects so attached, I now safely hold, keep and detain in my charge and custody. I have also summoned the said William Davis and Robert Cowie, by serving upon the twenty sixth day of June last on the said William Davis and Robert Cowie both personally and respectively at the place called Portneuf in the County of Northumberland, in the District of Quebec, a copy of the said Writ and a copy of the Declaration hereunto annexed. I further certify that the distance between the place at which the said Writ and Declaration were served, and the Court House of this District, is about 62 leagues.

Quebec, the 9th day of September, 1830.

(Signed,)

W. S. SEWELL,

Sheriff.

Sheriff's Fee £ 0 10 0
Disbursements, 10 0 6

Province of Lower Canada, }
District of Quebec. }

In the King's Bench,

In the year one thousand eight hundred and thirty, on the twenty-sixth day of June instant, and in virtue of a Sheriff's warrant for serving in trover (*Saisie révindicative*) issued in the Superior Term of the Court of King's Bench, at the suit of William Lampson of Quebec, trader, against thirteen packs of peltry, in the hands and possession of William Davis and Robert Cowie, of unknown parts, labourers, I Joseph Mondion, Bailiff of the Court of King's Bench, purposely proceeded to the domicile and dwelling wherein the said peltry was deposited, being in the house belonging to Robert Cowie and William Davis, situated at the Post of Portneuf, District of Quebec, No. where being, I commanded him, in the name of the King and of Justice, to pay to the aforesaid Plaintiff, or to me, Bailiff, on his behalf, the sum of two thousand pounds currency, for their debts, damages, and costs, which he refused to pay; upon which refusal, I notified to him, that I would proceed to reclaim and seize the said peltries, together with his goods and chattels; as, in fact, I did take, seize, and put into the hands of the King and of Justice that which follow; viz

Four puncheons full of divers furs, being the contents of the said thirteen packs of peltry mentioned in the warrant.

The

The said furs having been unpacked, in order to be put into casks, and such as they were shewn to me by the Plaintiff himself, who, commanding me to seize the said four puncheons of furs, declared to me that they were his own property, that is to say, that the contents of the said thirteen packs of peltry, were in the said puncheons. Which are all the goods and effects, which I have taken, seized, reclaimed, and put into the hands of the King and of Justice, as belonging to the said William Lampson. I have appointed, as Keeper, (guardian,) of the said effects so seized, Joseph Plamondon, of St. Francis, trader, who voluntarily undertook to be their keeper, as voluntary guardian, and at the same time discharges the Sheriff and his officers from all responsibility and expenses concerning the said trust; and the said guardian has further become answerable in his own person, to keep them, and to deliver them at all times and whenever he may be required to do so, by me, the undersigned Bailiff, and the said guardian has signed along with me these presents, the same having been read.

(Signed) Joseph Plamondon.
Joseph Mondion.
B. C. K. B.

A true Copy.

(Signed,) Joseph Plamondon,
B. C. K. B.

Seizure,	4s.
Registry,	2 6
Record of service,	4 0
Two Copies,	4 2
Notice,	
Return with opposition,	
travelling expenses 62	
leagues from Quebec,	9 6 0
making 124 leagues at	
1s 6d.	

£10 0 6

District of Quebec, } Court of King's Bench,

No. 1212.

Wm. Lampson, Plaintiff.

vs.

Wm. Davis, & al. Defendants.

The Defendants William Davis, and Robert Cowie appear by their undersigned Attorney.

(Signed) J. Stuart, for Defendants.

1 October, 1830.

(Endorsed) K. B. Quebec, No. 1212. Lampson, Plaintiff, vs. Davis & al. Defendants.—Appearance.

Filed 1st October 1830

(Signed) P. & B.

District of }
Quebec. }

Court of King's Bench.

No 1212.

William Lampson, Plaintiff,

agt.

William Davis and
Robert Cowie, Defendants.

The said William Davis and Robert Cowie, the Defendants, for plea or answer to the declaration and action of the said William Lampson " (by this their " *défense au fond en fait* ") " say that the allegations of the said William Lampson, and the matters and things in the said declaration set forth, are wholly untrue and unfounded in fact, and

let the said William Davis and Robert Cowie do not, nor doth either of them, detain from the said William Lampson the thirteen packs of furs, goods and chattels in the said declaration mentioned or any part thereof, in manner and form as the said William Lampson hath thereof, in and by his said declaration, complained against them.

Whereupon they pray that, by the Judgment of the Court here, the said action of the said William Lampson may be dismissed with costs.

(Signed) J. Stuart,
for the Defendants.

Quebec, 6 October 1830.

To B. C. A. Gagy, Esquire, At-
torney for the within named
Plaintiff.

Sir,

Take notice that the within written plea or " *Défense au fond en fait* " hath been this day filed by the Defendant, and that the common Rule to reply thereto will expire on the 2d day from this.

(Signed) J. Stuart, for Defendant.

Quebec, 6 October 1830.

K. B. Quebec, No. 1212. Lampson, Plaintiff agt.
Davis & al. Defendants. Plea " (*défenses au fond en fait* ")

Filed the 6 October 1830.

(Signed) P. & B.

Province of Lower Canada, }
District of Quebec, }

In the King's Bench.

William Lampson, of the City of Quebec,
in the County of Quebec, in the District of
Quebec, Trader.

Plaintiff.

No. 1212.

vs.

William Davis and Robert Cowie, of parts
unknown, labourers,

Defendants

1st October 1830.

Wm. S. Sewell, Esquire, Sheriff of the District of Quebec, returned the writ of *Saisie Révindicative* issued in this cause upon a *demande* for the sum of two thousand pounds currency in an action *en Révindicative* returnable this day, and certified thereon that he hath attached the articles and effects mentioned and set forth in the *Procès-verbal* thereunto annexed as belonging to the therein named William Lampson which were found in his District, and the said articles and effects so attached he now safely holds, keeps and detains in his charge and custody; and also certified that he hath served a copy of the said writ upon the Defendants, William Davis and Robert Cowie, together with the declaration thereunto annexed, signed, by A. Gagy, Esquire, as Attorney for the Plaintiff,

The Defendants being called the Honorable James Stuart, Esquire, Attorney General, appeared for them.

6th October 1830.

Acte of the filing by the Defendants of a *Défense au fond en fait*.

Province of Lower Canada, }
District of Quebec, }

In the King's Bench.

the 28th March, 1831.

This and the thirteen preceding pages contain a true Copy of all the documents of record filed and of all the entries made in the Registers of
His

His Majesty's Court of King's Bench for the District of Quebec, in a cause now pending and undetermined in the said Court wherein William Lampron is Plaintiff and William Davis and Robert Cowie are Defendants.

PERRAULT & BURROUGHS,
P. K. B.

[L.]

District of }
Quebec. }

John Davidson, Esquire, one of the Justices of our Lord the King assigned to keep the Peace within the said District.

To the Constables of the City and County of Quebec, in the said District of Quebec, and to all the officers and ministers of our said Lord the King, within the said District, and to every of them, Greeting: Forasmuch as complaint has been made upon oath, before me, by Pierre Laflamme, Joseph Nadeau and Robert Cowie and the Honorable John Stewart, against Peter McLeod, the Elder, for that the said Peter McLeod, the Elder, did on the twenty seventh day of October last, at a place called Portneuf in the Seigniorie of Mille-Vaches, in the District of Quebec, cut a certain spruce tree belonging to James T. S. Stuart, Mary Stuart, William Taylor Peter Short, Henriette Guichaud widow of the late Honorable Thomas Dunn, William Dunn, Thomas Dunn, Mary Henrietta Margaret Dunn, Ann Catherine Dunn, Frances Sarah Dunn, John Greenshields, James Weir, and the Honorable John Richardson, Co-proprietors of the said Seigniorie, without leave from the said proprietors or any or either of them, or from his, her or their representative or representatives or any either of them.

These are therefore in His Majesty's Name to authorise and command you the said Constables and other the Constables and others the officers and ministers of our said Lord the King within the said District and every of you forthwith to apprehend the said Peter McLeod, and to bring him before me to answer unto such complaint and to be further dealt with according to Law.

Given under my hand and seal at the City of Quebec, in the said District of Quebec, on the thirteenth day of November in the year of our Lord 1830.

(Signed,) (L. S.) JOHN DAVIDSON, J. P.

[M.]

District of }
Quebec. }

John Davidson, Esquire, one of the Justices of our Lord the King assigned to keep the Peace within the District of Quebec.

To the Constables of the City and County of Quebec, in the said District of Quebec, and to all others the officers and ministers of our said Lord the King within the said District, and to every of them, Greeting:—Forasmuch as complaint has been made upon oath, before me, by François Moyen, Robert Cowie, and the Honorable John Stewart, against William Mabbut, for that the said William Mabbut did on the twenty ninth day of October last, at a place called Portneuf, in the Seigniorie of Mille Vaches in the District of Quebec, cut a certain spruce tree belonging to James T. S. Stuart, Mary Stuart, William Taylor Peter Short, Henriette Guichaud, Widow of the late Honorable Thomas Dunn, William Dunn, Thomas Dunn, Mary Henrietta Margaret Dunn, Ann Catherine Dunn, Frances Sarah Dunn,

John Greenshields, James Weir, and the Honorable John Richardson, Co-proprietors of the said Seigniorie, without leave from the said proprietors or any or either of them, or from his, her or their representative or representatives.

These are therefore in His Majesty's Name to authorise and command you the said Constables and others the officers and ministers of our said Lord the King within the said District, and every of you forthwith to apprehend the said William Mabbut, and to bring him before me to answer unto such complaint and to be further dealt with according to Law.

Given under my hand and seal at the City of Quebec, on the thirteenth day of November in the year of our Lord one thousand eight hundred and thirty.

(Signed,) (L. S.) JOHN DAVIDSON, J. P.

[N.]

District of }
Quebec. }

John Davidson, Esquire, one of the Justices of our Lord the King assigned to keep the Peace within the District of Quebec.

To the Constables of the City and County of Quebec, in the said District of Quebec, and to all others the officers and ministers of our said Lord the King, within the said District, and to every of them, Greeting:—Forasmuch as complaint has been made upon oath before me by Pierre Laflamme, Joseph Nadeau, Robert Cowie, and the Honorable John Stewart, against Peter McLeod, the Elder, for that the said Peter McLeod, did on the twenty seventh day of October last, at a place called Portneuf, in the Seigniorie of Mille Vaches in the District of Quebec, cut a certain spruce tree belonging to James T. S. Stuart, Mary Stuart, William Taylor Peter Short, Henriette Guichaud, Widow of the late Honorable Thomas Dunn, William Dunn, Thomas Dunn, Mary Henrietta Margaret Dunn, Ann Catherine Dunn, Frances Sarah Dunn, John Greenshields, James Weir, and the Honorable John Richardson, Co-proprietors of the said Seigniorie, without leave from the said proprietors or any or either of them, or from his, her or their representative or representatives.

These are therefore in His Majesty's Name to authorise and command you the said Constables and others the officers and ministers of our said Lord the King, within the said District, and every of you to apprehend the said Peter McLeod, the Elder, and to bring him before me to answer unto such complaint and to be further dealt with according to Law.

Given under my hand and seal at the City of Quebec, in the said District of Quebec, on the 27th day of November, in the year of our Lord, 1830.

(Signed,) (L. S.) JOHN DAVIDSON, J. P.

[O.]

District of }
Quebec. }

John Davidson, Esquire, one of the Justices of our Lord the King assigned to keep the Peace within the District of Quebec.

To the Constables of the City and County of Quebec,

bec, in the said District of Quebec, and to all other the officers and ministers of our said Lord the King, within the said District, and to every of them—Greeting :— Forasmuch as complaint has been made upon oath before me, by François Moyen, and the Honorable John Stewart, against Edward Mabbut, for that the said Edward Mabbut did on the 29th day of October last, at a place called Portneuf, in the Seigniorship of Mille Vaches in the District of Quebec, cut a certain spruce tree belonging to James T. S. Stuart, William Taylor Peter Short, Henriette Guichaud, Widow of the late Honorable Thomas Dunn, William Dunn, Thomas]Dunn, Mary Henrietta Margaret Dunn, Ann Catherine Dunn, Frances Sarah Dunn, John Greenshields, James Weir, and the Honorable John Richardson, co-proprietors of the said Seigniorship, without leave from the said proprietors or any or either of them, or from his, her or their representative or representatives.

These are therefore in His Majesty's Name to authorise and command you the said Constables and others the officers and ministers of our said Lord the King, within the said District, & every of you forthwith to apprehend the said Edward Mabbut, and to bring him before me to answer unto such complaint and to be further dealt with according to Law.

Given under my hand and seal at the City of Quebec, in the said District of Quebec, on the twenty ninth day of November, in the year of our Lord, 1830.

(Signed,) (L.S.) J. DAVIDSON,
J. P.

[P.]

District of }
Quebec, } ss.

Peter McLeod, junr. Jean Baptiste Lisey, and Paschal Simard, all labourers, residing at Portneuf, in the County of Saguenay, and District of Quebec, being duly sworn on the Holy Evangelists, depose and say; That Deponents are persons in the employment of William Lampson, Esquire, under-lessee of the King's Posts. That being thus employed as such servants of the said William Lampson, Esquire, in the interior of the Country, at the distance of five leagues at least from the River St. Lawrence, within the acknowledged limits of the said King's Posts, the Deponents constructed a cabin or hut, for the purpose of dwelling therein whilst they had to remain there, in order to carry on the trade with the Indians, and to superintend the hunts in which others of the servants of the said Mr. Lampson, were there engaged. That, being there, within the bounds of the King's Posts, at a distance of five leagues from the River St. Lawrence, upon the banks of the River Portneuf, and engaged in their lawful occupations, to wit, on the twenty-sixth day of the month of January last, a number of men, in the service of the Hudson's Bay Company, namely Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and one named Murphy, also one named Nicolas, an Iroquois Indian, came, in a tumultuous manner, to the said place, where the said deponents were, together with others their companions; and, being there, the said Elie Boucher, one named Delisle, Seraphim Senechal, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and one named Murphy, also one named Nicolas, an

Iroquois Indian, did use threats towards the Deponents and the others; and, then and there, the said Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and the persons named Murphy, and Nicolas, an Iroquois Indian, did, riotously and with force arms, and notwithstanding they were forbidden by the deponents and others, destroy and pull down their said cabin or hut, and thereby deprived the said deponents and the others of all shelter, at that rigorous season of the year. That the said Deponents did, then and there, inform the said Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and the persons named Murphy, and Nicolas, an Iroquois Indian, that they the said deponents were under bail to keep the peace, and dared not to break it; and thereupon the said Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and the persons named Murphy, and Nicolas, an Iroquois Indian, also declared that they, (to wit the last mentioned persons,) were also under bail to keep the peace; yet that, as often as they the said deponents did make, build, or construct, any cabins or huts, in that place, they the said Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and the persons named Murphy, and Nicolas, an Iroquois Indian, would, in the same manner, come and destroy and pull down such cabins or huts, as often as there should be any; they, the said Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Miller, Joseph Beaumette, Xavier Brunelle, Patrick Kenny, and the persons named Murphy, and Nicolas, an Iroquois Indian, being fully determined never to permit the said deponents, or any other servants of the said William Lampson, Esquire, to remain in that place.

That Deponents, being under bail, did not choose to make any opposition to the said act, although illegal, because the said Deponents did not wish to act in violation of the law; and that the said Hudson's Bay Company have at least fifty men engaged in their service at the Port of Portneuf, whilst the servants there of the said William Lampson, Esquire, are only twenty in number, including two small boys, and that the said Elie Boucher, Seraphim Senechal, one named Delisle, Joseph Beaumette, Joseph Miller, Xavier Brunelle, Patrick Kenny, and the persons named Murphy, and Nicolas, an Iroquois Indian, appeared resolved to use violence; and that the said deponents believed, and still believe, that murder would have been committed, if the deponents had resisted. That the said Elie Boucher declared that that he would take by force and violence such furs as might be in the possession of the servants of the said William Lampson, Esquire, in case the latter should be at the River Portneuf, wherever he might find them upon the said River. Wherefore the said deponents pray for justice, and have declared that, excepting McLeod, they could not write.

PETER McLEOD, jr.
his
JEAN BAPTISTE X LISEY,
mark
his
PASCHAL X SIMARD,
mark

Sworn before me,

Quebec, 15th March 1831.

JNO. G. CLAPHAM, J. P.

Quebec,

Quebec, }
ss. }

[Q.]

Alexis Talon L'Esperance, Peter McLeod, junr.
Paschal Simard, and William Simpson, being
duly sworn, depose and say :

That the deponents are in the service of William Lampson, Esquire, under-lessee of the King's Posts, at the Port of Portneuf.

That, being at Portneuf, on the fifteenth of February last, the said deponents, and others, to the number of seventeen or eighteen, were ordered to proceed to the interior of the country, in prosecution of their lawful pursuits.

That, in consequence of such orders, the deponents and others, took their departure, in order to proceed into the interior ; and, being on the march, the said deponents and others were met and opposed, riotously and with force and arms, at a place called the Little Portage, by several men, in the service of the Hudson's Bay Company, to the number of at least eighteen.

That it is within the knowledge of the deponents that there were several others of the servants of the Hudson's Bay Company, at a short distance from the spot where the deponents and others were met, which other persons were in a kind of ambuscade, for the purpose of assisting the people of the Hudson's Bay Company, who had opposed and stopped the deponents and others.

That the people of the Hudson's Bay Company would not allow the deponents and others to pass, and used threats, and acts, which shewed a disposition towards violence, and that the deponents and others, being under bail, and in fear of the force and violence of their adversaries, were, against their will, stopped in their journey, and obliged and compelled to return down the River again, and were not able to proceed into the interior, as they were desirous of doing.

That, since the servants of the said Hudson's Bay Company are armed, the deponents verily, and in their conscience, believe, that manslaughter and murder will ensue, if the servants of the said Hudson's Bay Company are permitted to go on in this manner.

And the said deponents further say that, among the people of the said Company, it is notorious, that there are several who boast that they have been engaged solely for the purpose of committing deeds of force and violence, and of fighting for the said Company. That amongst those who, as before said, opposed and stopped the deponents, were the following persons ; to wit :— one named Flinn, Seraphim Senechal, Joseph Beaumette, Xavier Brunelle, Jean Baptiste Coté, Jean Baptiste Mercier, Patrick Kenny, onenamed Murphy, Noël Marcoux, one named La Fontaine, and Edward Shea, and the deponents say, that the above named persons did, along with others, assaulted the said deponents who were travelling peaceably, and riotously and by force of arms, did stop and oppose them, without any cause, and without any provocation as has been mentioned.

PETER McLEOD, junr.
his
PASCHAL ✕ SIMARD,
mark
his
WILLIAM ✕ SIMPSON,
mark
ALEXIS TALON L'ESPERANCE.

Sworn before me, this

15th March, 1831.

JNO. G. CLAPHAM, J. P.

District of }
Quebec. }

[R.]

Alexis Talon L'Esperance, Peter McLeod,
junior, Jean Baptiste Lisey, William Simp-
son, and Paschal Simard, being duly sworn,
depose and say :

That the deponents are in the service of William Lampson, Esquire, under-lessee of the King's Posts, and as such, were dwelling on Tuesday the fifteenth of February last, in a house, at the River Portneuf, within the King's Posts.

That, in front of the said house, as being a Chief Post, was erected a high pole with a flag.

That the number of persons in the service of the said William Lampson there, was nearly twenty men, including two small boys.

That at a short distance, (between one and two miles) from the House aforesaid, there was another House, inhabited by persons who were in the service of the Hudson's Bay Company ; and that the said Hudson's Bay Company maintain nearly fifty men in the said last mentioned House.

That it is notorious that serious difficulties have taken place between the said Hudson's Bay Company, and the said William Lampson, and that all their servants have taken part thereon, in so far that criminal prosecutions have been instituted, and that almost all the servants of the said William Lampson, Esquire, and great part of those of the Hudson's Bay Company, are under bail to keep the peace.

That to the knowledge of the deponents, the people in the service of Mr. William Lampson, have been mindful of their bond, have avoided every occasion of violating the law, and have even endured many injuries and insults ; but that the people in the service of the Hudson's Bay Company, to wit, amongst others, William Davis, one named Delisle, one named Flinn, Jean Baptiste Coté, Joseph Miller, Jean Baptiste Mercier, Patrick Kenny, Edward Shea, and Michel Crepeau, did on that day, riotously and with force and arms, and without any provocation or reason whatsoever, come to the House occupied by the said servants of the said William Lampson, Esquire, with the evident intention of provoking the servants of the said Mr. William Lampson, to break the peace ; and the said William Davis, one named Delisle, one named Flinn, Jean Baptiste Coté, Joseph Miller, Jean Baptiste Mercier, Patrick Kenny, Edward Shea, and Michel Crepeau, being at the said place, riotously and with force and arms, and with the intention, as before said, to insult and provoke the said deponents and others to break the peace, did inscribe upon the said pole or flag-staff of the said William Lampson, with a painting brush, and black oil paint, in large letters, insulting and provoking words and expressions, and amongst others, the following words, " Flagstaff of Liars, Robbers, and Yankees, *Bostonnais,*" thereby alluding to the birth-place of Mr. Lampson in the United States of America, and meaning and giving to understand that he and his said servants at the said House, near the said flagstaff, were Robbers and Liars.

That every individual employed at that place, is provided with arms, and the deponents say, that, although they restrained themselves on the above occasion ; and although no violence has been used on the part of the servants of the said William Lampson, Esquire, yet the deponents, verily, and in their conscience, believe, that, if similar acts and provocations continue to be done and given on the part of the servants of the said Hudson's Bay

Bay Company, it will be impossible to prevent the commission of manslaughter and murder; wherefore these deponents pray for justice and protection, and have signed.

ALEXIS TALON L'ESPERANCE,
PETER McLEOD, jr.
his
JEAN BAPTISTE X LISEY,
mark

his
WILLIAM X SIMPSON,
mark
his
PASCHAL X SIMARD,
mark

Sworn before me,
this 15th March 1831.

(Signed) JOHN G. CLAPHAM, J. P.