

No VI.

Quebec, 11th January, 1831.

SIR,

We beg leave to acquaint you that we have been served, some weeks ago, with two several notices, informing us that two certain convictions, the one at the suit of George Linton, *qui tam*, against Robert Cowie, and the other against William Davis, rendered on or about the 30th November last, are about being removed in the Court of King's Bench by virtue of two Writs of *Certiorari* prayed for on behalf of the Defendants. These convictions took place on information filed against the Defendants, for distributing Liquors to Indians, without Licence, at a place called Portneuf, in the County of Saguenay, in the District of Quebec;—we are, therefore, desirous to secure the assistance of one of the Law Officers of the Crown on our behalf, as convicting Magistrates, not only to support the judgments by us rendered, but also to afford us the necessary legal assistance to make out such convictions in due form of Law. And as we are aware, from an opinion given by the Attorney General, that he differs materially with us in the matter in question, we, therefore, respectfully solicit the professional assistance of the Advocate General, whose opinion accords on the question with our own.

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

(Signed)

J. NEILSON, J. P.
J. B. DUCHESNAY, J. P.
THOS. WILSON, J. P.

Lieut. Col. Glegg, Civil Secretary.

True Copy, (Signed) J. B. GLEGG, Secy.

No. VII.

Letter from JAMES STUART, Esquire, His Majesty's Attorney General, to Lieut. Colonel GLEGG, Secretary, &c.

Quebec, 29th January, 1831.

SIR,

I have been honored with the commands of His Excellency the Administrator of the Government, signified in your letter of the 19th inst. transmitting two applications from Messrs. Neilson, Duchesnay, and Wilson, soliciting the professional assistance of the Advocate General, in certain suits or actions tried before them, the decisions in which are about to be removed into the Court of King's Bench, by *certiorari*; upon which His Excellency has been pleased to require my opinion, as to the course it would be advisable to adopt, in regard to these applications for the assistance of the Advocate General, instead of mine, on the ground of my having already delivered an opinion in opposition to the decisions given by the applicants in the cases in question.

In order that His Excellency may be made acquainted with the nature of the applications referred to in your letter, and the considerations on which they rest, it seems necessary to explain some particulars, for the information of His Excellency.

By the Provincial Ordinance 17, Geo. III. c. 7, four distinct legislative provisions were enacted, restrictive of trade and intercourse with the Indians. By the first a special licence in writing was required, from the Governor, or from His Majesty's agents or superintendents for Indian affairs, or from the commandants of the different forts, or from such person as the Governor might empower to grant it, to authorize the sale of spirituous liquors to Indians, and the sale of liquors to them, without a licence was prohibited, under a penalty, for the first offence, of £6, imprisonment for a period not exceeding a month, and the forfeiture of his licence to keep a tavern, if the liquors should be sold by an Inn keeper: for a second and subsequent offence the penalty and imprisonment were doubled: By the second of the said enactments, the purchase of cloathes or arms from Indians was prohibited, under like penalties: By the third all persons were prohibited from settling in any Indian Village or in any Indian Country, within the Province, without a license from the Governor, under a penalty of £10 for the first, and £20 for every subsequent offence: By the fourth all persons were prohibited from carrying goods, for the purpose of trade, beyond certain limits on the Rivers Ottawa and Iroquois, or into any other parts of the Province upon lands not granted by His Majesty, without a pass or permit in writing, from the Governor, under a penalty of £50.

These regulations requiring licenses, which established a monopoly of the Indian trade in the hands of the Colonial Government, and even of its subordinate officers, to be exercised only subject to its pleasure, were derived from the policy by which the Indian