

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 restitendus 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 matter. 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 add, that if it be supposed that any part of the waste lands of the Crown are included within limits improperly ascribed to the Seignior 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 Seignior of “*Mille Vaches*,” for the establishment of boundaries between that Seignior and the adjoining lands of the Crown.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) J. STUART,
Atty. General.

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

True Copy, J. STUART.

No. III.

Letter from Lieut. Col. GLEGG, Secy. to J. STUART, Esquire, Attorney General,

CASTLE OF ST. LEWIS,
Quebec, 29th December, 1830.

Sir,

His Excellency the Administrator of the Government has directed me to signify to you, in reply to your letter of the 24th Instant, (received by me on the 27th,) that his mind is much relieved by the assurance which that letter conveys, viz: 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 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 Seignior called “*Mille Vaches*” (which Seignior touches on 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 “*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 the appeal of Mr. Lampson to the Crown is founded in 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 Seignior of “*Mille Vaches*.” With the view of giving due effect to these intentions, His Lordship 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