

for one whole year. As affording some security against a renewal, in this interval, of the outrages which had been made the subjects of indictment, the Defendants, at my instance, were put under recognizances, with sureties, to keep the peace during the time to elapse previous to their trials. With these proceedings my official ministry terminated, as to the criminal remedies which had been resorted to, by the parties respectively.—The next official duty required from me was an opinion, in relation to certain *qui tau* actions which had been brought, on a provincial statute, against the servants of Mr. Lampson, for having, as trespassers, cut down trees within the limits of *Mille-Vaches*. Upon the reference * made to me on this subject, at the instance of Mr. Davidson, the Justice of the Peace before whom the actions were pending, I was of opinion that the plea of prescription set up by Mr. Lampson's servants was well founded, and reported accordingly †. This opinion was acted upon by Mr. Davidson, who dismissed the actions.

Soon after a Petition of the Hudson's Bay Company, through their agent at Quebec, was presented to His Excellency Lord Aylmer, administrator of the government, in which, among other things, it was represented, "That Mr. 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 seignior of *Mille-Vaches*, for his own private purposes, had, by the means of one George Linton, laid informations against Robert Cowie, William Davis, and Elle Boucher, three of the agents and servants of the Hudson's Bay Company, (founded upon the ordinance 17 Geo. III. c. 7. made to prevent the selling of strong liquors to the Indians, without license from the Governor of the Province of Quebec, &c.) for selling and distributing liquors to Indians at Portneuf aforesaid." It was further represented in the same Petition, "that although the Petitioners were fully convinced that the said ordinance was never intended to apply to trading companies having a right to traffic with the Indians, and although it was apparent that these proceedings were vexatious, and carried on for the purpose of private gain, without any view to the interests of the public; yet the Petitioners, for greater security in preventing the vexatious and oppressive application of this ordinance for the past, and guarding against the same misapplication of it to their future dealings and intercourse with the Indians, were desirous of obtaining, for themselves and their 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." On these grounds, the Petitioners prayed for a pardon for past offences of this nature, and a license to distribute spirituous liquors, in future, to the Indians.—This Petition, by order of His Excellency the Administrator of the Government ‡, was referred to me, and I was required "to state, for His Excellency's information, whether he was empowered by the laws in force to grant the licence prayed for, and whether it was expedient that the prayer of the Petition should be granted." Being perfectly aware that the Indian trade, with the sale and distribution of spirituous liquors incident to it, had been carried on in both the Canadas for a long period of time, without any licence whatever, and in the same unrestrained manner as any other description of trade, and having besides, during a personal experience of nearly forty years in legal proceedings in Lower Canada, never heard of any such *qui tau* actions as those in question having been brought, I was led to suppose, that the provision of the ordinance 17 Geo. III. c. 7. referred to in the Petition of the Hudson's Bay Company, must have been repealed by a subsequent law. Upon examining the subject, I found my impression on this head verified, and that by an ordinance of the 31 Geo. III. c. 1. the provision on which the *qui tau* actions of Linton were grounded had been, in the plainest and most unequivocal terms, repealed; from the period of which repeal, no licence whatever had been granted for trade with the Indians, or for the sale or distribution of spirituous liquors to them. I therefore reported to His Excellency my opinion §, that this repeal had taken place, and that neither the pardon nor the licence applied for, was necessary. Upon my report, His Excellency, it would appear, declined compliance with the prayer of the Petition, and a copy of the report was delivered by his secretary to the agent of the Hudson's Bay Company, as containing the reason of his determination. The *qui tau* actions referred to in the Petition, were afterwards brought to a hearing before Messrs. Neilson, Wilson, and Duchesnay, three Justices of the Peace for the District of Quebec, the latter

* Vide Append. No. 13,
 † Vide Append. No. 15. (1),

‡ Vide Append. No. 14,
 § Vide Append. No. 15 (3),