

merely a question of private right between him and the defendants, from the determination of which neither profit nor loss, benefit nor injury, could accrue to the Crown. Mr. Lampson, it is to be observed, also, did not apply to me to institute the action, or consult me respecting it, but, as he had a right to do, made choice, for that purpose, of a professional gentleman, in whom, it is to be presumed, he reposed confidence; and with him he associated, as counsel, Mr. Vanfelson, who holds the office of Advocate General in the Province. I am, therefore, charged as being culpable, in a high degree, by the Committee of Grievances, for having withheld from Mr. Lampson professional services which he never solicited, and which, by the employment of other advocates, he precluded me from affording. But it is also perfectly plain that the defendants had the same right to choose their advocate, which Mr. Lampson had himself exercised, and that their choice might fall on me, as well as on any other individual, not retained by him. I have, therefore, incurred the animadversion of the Committee on this head, expressed in terms highly injurious to my character, without the slightest reason.

Secondly, I am charged by the Committee of Grievances with official misconduct, in having instituted an action of *Réintégrande*, for and in the name of the lessees of *Mille-Vaches*, against William Lampson, "to compel him to remove from the banks of the River 'Portneuf,' and with being, by this professional act, guilty 'of a direct and positive violation 'of my duty to the Crown, the interests whereof,' it is alleged, 'have been culpably abandoned by me, either from an inordinate love of lucre, or from, (what would be as bad,) a strong 'desire to render service to my clients, even to the prejudice of the Crown, which,' it is said, 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.'"

This is strong language, indeed: that it should have been adopted, and applied to me, cannot but excite great surprise, when the alleged cause for it is explained. The action of "*Réintégrande*" referred to by the Committee, as having been instituted by me against Mr. Lampson, is the same action of *Réintégrande* whereof mention is above made. The action known in Lower Canada, under this French name, is the *Interdictum unde vi* of the Roman law. It is a possessory action, by which persons, forcibly dispossessed of lands or houses, are enabled to obtain restitution of them, and recover damages for the injury thus sustained, on the ground of possession alone, without any reference whatever to title; the maxim applicable to this action being "*spoliatus ante omnia restituendus est.*" In the English law, no corresponding civil action is to be found. The violence complained of in such cases, by that law, is dealt with as a breach of the peace, as a crime: and an equally efficacious, and more prompt remedy is afforded by indictment for a forcible entry and detainer, or by resort to the power of Justices of the Peace, who are authorized, on complaint of the party aggrieved, to go upon the spot, and immediately reinstate him in possession.—The action thus brought against Mr. Lampson was, therefore, grounded on an alleged illegal, criminal act: in it, the title to the land of which the Hudson's Bay Company had been forcibly dispossessed, could not be brought in question, nor could any ground of defence be derived to Mr. Lampson from a right of property in the Crown, if such right had existed: nor even from an absolute and unquestionable right of property in himself. The decision, therefore, to be given in this action, could not, in the smallest degree, affect the rights of the Crown, which, if they existed, could not have been pleaded or urged in it, and, after a decision against Mr. Lampson, might have been enforced in the same manner, and to the same extent, as if no such decision had been given. It is plain, therefore, that the Crown had no interest whatever in the action in question; and that, in bringing it, I did not, as erroneously and injuriously alleged by the Committee, "culpably abandon its interests." But it is alleged by the Committee, that the support of the Government was due to Mr. Lampson, as lessee of the Crown, "which" it is said, "was eminently interested in the success of "its lessee, in his disputes with his adversaries, the partners and servants of the Hudson's Bay "Company." It was certainly incumbent on the Government, and its officers, to protect Mr. Lampson, in all legal rights derived under his lease:—but, as lessee of the Crown, he could have no claim to its protection or support, in any illegal act whatever; nor could the Crown, which owes and extends equal justice to all its subjects, be supposed, without unheard of derogation from its character, to be "interested in the success of its lessee in his disputes" occasioned by any such act.—If Mr. Lampson forcibly wrested property from his neighbour, as being within his lease, it was *fit* that the laws should receive execution as to him, as they would, with respect to any other person; and it is singular, indeed, that the Committee of Grievances should have thought special protection and support due to him in such a case. Under the circumstances complained of by the Hudson's Bay Company, it might have been the duty of the Attorney-General, if proper affidavits had been laid before him, to have indicted Mr. Lampson and
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