

latter being also one of the Provincial Aides-de-Camp of His Excellency. Although the repeal of the ordinance on which these actions were founded, it appears, was insisted upon by the Honourable Mr. Primrose, the attorney and counsel of the defendants, and although the Magistrates were by him made acquainted with the report on which the pardon and licence had been refused, they, nevertheless, convicted the defendants of the alleged offences for which these actions were brought, and, besides imposing on them a penalty of five pounds, sentenced them to an imprisonment of twenty-four hours, in the Common Jail for the District of Quebec. Boucher, one of the defendants, being on the spot, was immediately imprisoned under this conviction: against the two others, Messrs. Cowie and Davis, who were at *Mille-Vaches*, distant about one hundred and fifty miles from Quebec, warrants were forthwith issued for their apprehension and commitment, to undergo at Quebec an imprisonment of twenty-four hours. After Boucher was lodged in jail, under an order of Mr. Sewell *, the sheriff of the District of Quebec, who, it would appear, took upon himself to execute the Magistrate's sentence of imprisonment, without any warrant in writing from them to that effect, a Petition † for a Writ of Habeas Corpus to relieve him from his imprisonment, was presented by the Honourable Mr. Primrose on his behalf, to the Chief Justice of the Province, and, on his refusal to grant the Writ, a similar Petition ‡ was presented to the Honourable Mr. Justice Kerr, one of the Justices of the Court of King's Bench, who ordered a Writ of Habeas Corpus to issue, as prayed for.—Under this Writ, Boucher was brought before Mr. Justice Kerr, but before the hearing of his case was concluded, the period of his imprisonment expired, so that he was discharged on this ground, as a matter of course.—Similar Petitions § were afterwards presented to Mr. Justice Kerr on behalf of Messrs. Cowie and Davis, to be liberated from their imprisonment, and, upon the return of the Writs which he granted, they were discharged. The defendants having afterwards obtained Writs of *certiorari*, to bring into the Court of King's Bench the convictions which they had undergone before the Magistrates, applications were made by the latter to His Excellency the Administrator of the Government ||, that he would be pleased to direct Mr. Vanfelson, the Advocate General, who had advised and assisted in prosecuting the *qui tam* actions, to appear on their behalf, on the return of the Writs, and sustain the convictions, at the public expense. These applications were referred to me by His Excellency ¶, who required me to state “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.” Upon this reference, I had the honour of reporting my opinion **, with reasons in detail, in support of it, that the Magistrates had no claim to, nor was it fit or expedient they should receive, the assistance for which they had applied, from any of His Majesty's law servants, at the public expense.—Notwithstanding this opinion, and, it would appear, without any other reference on the subject, His Excellency was pleased to comply with the application of the Magistrates ††, by directing Mr. Vanfelson, the Advocate General, who was the retained counsel of the private prosecutor, as already mentioned, to support the convictions in question, at the public expense. Here terminated my official duties with respect to the *qui tam* actions; and no other official duty was discharged by me, in relation to the differences between the Hudson's Bay Company and Mr. Lampson.

Having thus explained the instances in which I acted officially in these matters, it remains, that I should explain the professional duty that I have been called upon to discharge, in civil suits between the same parties. In the Spring of the year 1830, an Action of Detinue, or “*Revendication*,” as it is called in the Law of Lower Canada, was brought by Mr. Lampson, against William Davis and Robert Cowie, the former being a clerk, and the latter the chief factor of the Hudson's Bay Company, at *Mille-Vaches*.—By this action, Mr. Lampson sought to recover thirteen packs of furs, of the alleged value of one thousand pounds, which he stated to belong to him, and to be wrongfully withheld from him by the defendants; and, on his affidavit of these facts, he obtained an attachment, as permitted by the Law of Lower Canada, under which he caused to be seized and attached the furs thus demanded. The declaration in this action, in the course of my professional practice, was put into my hands by the defendants, with a request that I would charge myself with the defence of it.—I did not hesitate to comply with this request; not having the slightest idea, that, in doing so, I was to become criminal in the eyes of a Committee of Grievances of the Assembly of Lower Canada, for an act which

* Vide Appendix, No. 16 (1), 16 (2).

† Vide Appendix, No. 16 (5).

‡ Vide Appendix, No. 15 (5), 15 (6).

** Vide Appendix, No. 15 (7).

§ Vide Appendix, No. 16 (1).

¶ Vide Appendix, No. 16 (6), 16 (9).

¶ Vide Appendix, No. 15 (4).

†† Vide Appendix, No. 15 (8), 15 (9), and No. 14.