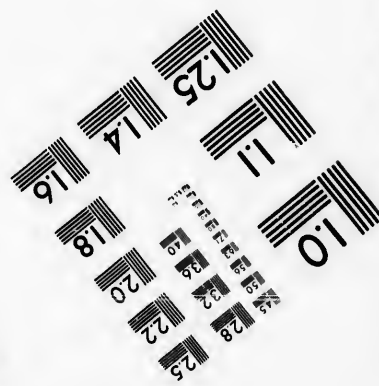
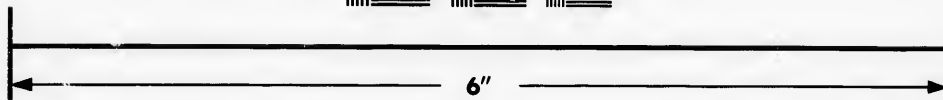
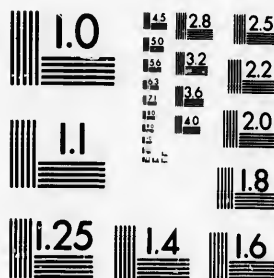


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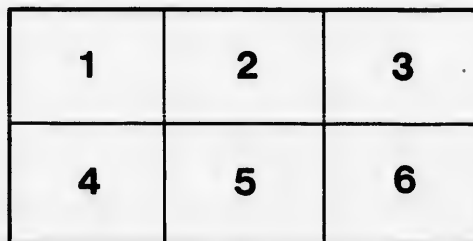
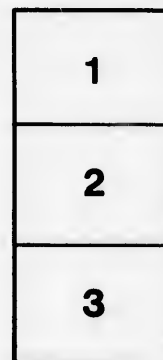
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CORRESPONDENCE

BETWEEN

LIEUTENANT COLONEL GLEGG,
SECRETARY OF HIS EXCELLENCY LORD AYLMER, GOVERNOR IN CHIEF
OF LOWER CANADA,

AND

JAMES STUART, ESQUIRE,
HIS MAJESTY'S ATTORNEY GENERAL FOR THAT PROVINCE,

RESPECTING

THE ESTABLISHMENT OF BOUNDARIES BETWEEN THE TERRITORY CALLED
THE KING'S POSTS, AND THE SEIGNIORY OF "MILLE VACHES;"

ALSO

COPIES OF A PETITION OF WILLIAM LAMPSON
TO THE HOUSE OF ASSEMBLY OF THE SAID PROVINCE,

AND OF

PAPERS LAID BEFORE THE ASSEMBLY, IN PURSUANCE OF THEIR ADDRESS
TO HIS EXCELLENCY THE GOVERNOR IN CHIEF, OF
The 16th March, 1831.



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No. I.

Letter from Lieut. Colonel GLEGG, Secretary to His Excellency Lord AYLMER, Administrator of the Government, to JAMES STUART, Esqr. His Majesty's Attorney General.

CASTLE OF ST. LEWIS,
Quebec, 23d December, 1830.

SIR,

I have received the Commands of His Excellency the Administrator of the Government, to acquaint you, that he has received a Petition from William Lampson, Esquire, in which it is stated, he is engaged in a Law suit respecting the Boundary of the Seignior of *Mille Vaches*, adjoining the territory of the King's Posts of which he is the Lessee, in which Law suit, as he states, the interests of the Crown are identified with his own.

His Lordship desires me to observe, that he would naturally have referred this Petition to you for your opinion, in regard to certain questions of Law, which it involves; but Mr. Lampson having stated, that you are retained as Counsel to the party opposed to him in this cause, His Lordship, before referring to you the Petition in question, requests to be informed, whether the assertion of Mr. Lampson, of your being retained by the opposite party is correct, and whether in your opinion, the interests of the Crown are identified with those of Mr. Lampson, as stated by him in his Petition.

I have the honor to be, Sir,

Your obedient humble servant,

(Signed) J. B. GLEGG, Secy.

Honble. James Stuart, Attorney-General.

True Copy, J. STUART.

No. II.

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

Quebec, 24th December, 1831.

SIR,

I have been honored with the Commands of His Excellency the Administrator of the Government, signified in your letter of the 23d instant, in which His Lordship refers to a Petition from Mr. Lampson, wherein it is stated, that he is engaged in a law suit respecting the Boundary of the Seignior of *Mille Vaches*, in which law suit, as he states, the interests of the Crown are identified with his own, and wherein it is also stated, that I am retained as Counsel by the party opposed to him; whereupon His Lordship has been pleased to require me to report, for his information, whether the assertion of Mr. Lampson of my being retained by the opposite party is correct, and whether, in my opinion, the interests of the Crown are identified with those of Mr. Lampson, as stated by him in his Petition.

In obedience to His Lordship's Commands, I have the honour to state, that the duty of the office of Attorney General, which I have the honour of holding, necessarily, precludes me from taking any retainer to support the interests of individuals, in opposition to, or inconsistent with, those of the Crown; and I have not therefore, become, nor could be, retained by any party adverse to Mr. Lampson, to oppose, or question, interests in him, which are identified with those of the Crown.

The case to which Mr. Lampson, I presume, refers, and which it has been erroneously supposed by him furnishes ground for his assertion, is a possessory action, called in the French law an action "*de Réintégrande*" (being the *Interdictum unde vi* of the Roman law) recently brought by me for the Hudson's Bay Company against Mr. Lampson and his servants, for having with force and arms entered upon a piece of land which then was, and during a long period previously had been, in the peaceable possession of the Hudson's Bay Company, as Lessees of the Seignior of "*Mille Vaches*,"—for having expelled therefrom the servants of that Company,—for having commenced the erection of, and erected, a house, buildings, and fence thereon,—and for having since forcibly retained possession thereof, &c. This action turns exclusively on the alleged fact of possession in the Hudson's Bay Company, at the time of the trespass complained of, without reference to boundaries, or right of property. In this action, the boundaries between "*Mille Vaches*" and the adjoining waste lands of the Crown,

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 restituentus 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 Seigniorship 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 Seigniorship of *Mille Vaches*, for the establishment of boundaries between that Seigniorship 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 Seigniorship called “*Mille Vaches*” (which Seigniorship 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 Seigniorship 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

be pleased to communicate with Mr. Dampson, on the subject, and concert with him the measures necessary to be adopted, in order to give effect to His Lordship's intentions, reporting to me, for his information, the result of such communication, with the least possible delay.

I have the honor to be, Sir,

Your obedient humble servant,

J. B. GLEGG, Secretary.

Honble. J. Stuart, Attorney General.

True Copy, J. STUART.

IV.

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

Quebec, 30th December, 1830.

SIR,

I have been honored with your Letter of the 29th instant, in which, with reference to legal steps which it is therein stated His Excellency the Administrator of the Government has come to the decision of directing to be taken, towards establishing the Boundaries and Metes of the Seignior of *Mille Vaches*, it is intimated that His Excellency has thought proper to associate me and the Advocate General, to act together on behalf of the Crown, and that His Excellency therefore desires me to communicate with Mr. Vanfelson on the subject, and to concert with him the measures necessary to be adopted, in order to give effect to His Lordship's intentions, reporting to you for his information, the result of such communications with the least possible delay.

From the nature of this communication, as well as that which preceded it, on the same subject, it seems indispenible, that I should respectfully submit to His Excellency's consideration, that it belongs to the office of Attorney General, to advise, institute, defend, and conduct all suits of the Crown, which are carried on in His Majesty's Courts of Justice, in which that officer acts professionally. These duties are by Law inherent in the office, and cannot be severed from it:—for the faithful, skillful, and honest discharge of them the officer is responsible; and this responsibility constitutes the security of the public and of individuals, in so far as their respective interests are concerned. Not being conscious of any inability to fulfil the duties of the office I hold, and not having learnt that my honor or integrity has been impeached, I must beg leave to claim from His Excellency the undisturbed and unrestricted exercise of the rights vested in me by His Majesty's Commission, appointing me his Attorney General for Lower Canada. If, however, any charge or report calculated to impair the confidence of His Majesty's Government in the upright discharge of my duties has reached His Excellency, instead of sustaining any abridgement of the rights now referred to, I must solicit from His Excellency's justice an immediate investigation of the imputation, whatever it may be, that no disparagement may be suffered by the honorable service in which I am engaged, from malignant insinuation, or unfounded suspicion. But, in the absence of any such cause for withholding the confidence which is due to the office, with which His Majesty has honored me, and while I continue to hold this office, I cannot acquiesce in any transfer of the duties legally incident to it, to another person; nor can I submit to become the auxiliary of Mr. Vanfelson, or of any other professional gentleman, in matters in which it belongs to me to act as principal.

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. V.

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

CASTLE OF ST. LEWIS,
Quebec, 30th December, 1836.

SIR,

I am directed by His Excellency the Administrator of the Government, to lose no time in assuring you, in answer to your Letter of this date (which his Lordship has just perused,) that his decision regarding the mode to be adopted in the case of Mr. Lampson, does not in the remotest degree arise from any doubt existing in his mind of either your integrity and honor, or of your professional ability.—To the existence of these qualities in your person, His Excellency is disposed to give full and entire belief:—neither have his decisions been caused by any malicious insinuations regarding your character that have reached his ears.

His Lordship commands me to assure you, he is altogether a stranger to any such insinuations, and had they been conveyed to him, he would not have hesitated for one moment candidly, and honestly, to have imparted them to you.

A due regard to your official character as well as to his own, would have rendered such a communication an important duty on his part, and perhaps he may have some right to add, that his silence on the subject might have been assumed as conclusive of the fact of his mind being entirely free from any such impression.—Having disposed of this part of the subject, which His Excellency has most at heart to do, in a way that may be entirely satisfactory to your feelings, he has directed me to add, that unless he has formed very erroneous notions of the functions of the office which he has the honor of filling as Administrator of this Province, he may be permitted to judge for himself, whether he shall associate one or more of the Law Officers of the Crown, in the conduct and management of any particular proceeding.

His Lordship still thinks, that he is invested with such discretionary power, and acting upon that assumption His Lordship has directed me to request, you will have the goodness to acquaint me, for his information, whether it be your intention to persist in refusing to act in conjunction with the Advocate General, in the matter of determining the metes and boundary of the Seigniory of *Mille Vaches*, as directed in my letter of the 29th instant.

I have the honor to be, Sir,

Your obedient humble servant,

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

Honble. J. Stuart, Attorney General.

True Copy, J. STUART.

No. VI.

Note from His Excellency Lord AYLMEYER, to J. STUART, Esq. Attorney General.

(PRIVATE)

CASTLE OF ST. LEWIS,
Quebec, 30th December, 1850.

MY DEAR SIR,

An official correspondence is now going forward between us through the medium of Lieut. Col. Glegg, which I do assure you is very painful to me; but I hope and trust, it will not have the effect of producing any change in the social intercourse, and those personal feelings of regard between us, which it is very much my desire to cherish and cultivate to the utmost. An assurance, on your part, that you participate in these feelings, would be highly gratifying to, my dear Sir,

Your very faithful servant,

(Signed,) AYLMEYER.

True Copy, J. STUART.

No. VII.

Letter from J. STUART, Esqr. Attorney General to Lieut. Col. GLEGG, Secretary, &c.

Quebec, 31st Decr. 1830.

Sir,

I have been honored with your letter of the 30th Inst. and beg leave to state, that I have derived the greatest satisfaction from the assurances His Excellency the Administrator of the Government has been pleased to convey to me, that, in his directions respecting the suit to settle the boundaries of "*Mille Vaches*," he was not influenced by any doubt of my integrity or honor, and my most respectful acknowledgements are due for the terms in which these assurances have been conveyed. In stating, in my last letter, the rights which I apprehend to be inherent in the office of Attorney General, it was not my intention to call in question the discretionary power of His Excellency, to authorize any number of Counsel he may think fit, to give their assistance in the conducting of the suits of the Crown, but respectfully to assert, that they cannot act as principals, or direct, or control the Attorney General, in the management of such suits; the responsibility for the proper and efficient conducting of the suits of the Crown resting entirely upon him.—I beg leave, therefore, respectfully to mention, that there is no objection on my part, that the Advocate General, or any other professional gentleman, be authorized to act as Counsel, in conjunction with me, in the legal measures which it may be proper to adopt, for determining the metes and boundaries of the Seignior of *Mille Vaches*; and, on this head, there is the most ready and willing acquiescence on my part in whatever may be the pleasure of His Lordship.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) J. STUART,
Atty. Genl.

Lieut. Col. Glegg, Secretary, &c.

True Copy, J. STUART.

 No. VIII.

Note from J. STUART, Esq. Attorney General, to His Excellency Lord AYLMEK.

(PRIVATE.)

Friday Morning, 31st December.

MY LORD,

It was with extreme satisfaction that I perused your Lordship's very friendly and condescending note of last evening, by which the painful feelings necessarily produced by the recent correspondence to which your Lordship refers, were made immediately to yield to those of a very different character. The impressions of respect for your Lordship which I had previously entertained, have received an indelible confirmation from your Lordship's frankness, kindness, and condescension on the present occasion; and I beg leave respectfully to assure your Lordship, that it will be my most anxious desire, both in my official and private conduct, to merit a continuance of your Lordship's favorable opinion, and of the social intercourse by which I have been honoured by your Lordship.

I have the honor to be, my Lord, with the greatest respect,

Your Lordships most faithful and

Obliged humble Servant,

Lieut. Colonel Glegg, Secretary, &c. &c.

(Signed) J. STUART.

True Copy, J. STUART.

 No. IX.

Letter from J. STUART, Esqr. Attorney General, to the Honorable. J. STEWART, Esqr.

Quebec, 31st January, 1831.

Sir,

I beg leave to recall to your recollection a conversation which took place between us, some days since, in which, with reference to an action I have received instructions from His Excellency the Administrator of the Government to institute against the Proprietors of the

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Seigniorship of "Mille Vaches," for establishing the Boundaries between that Seigniorship and the King's Posts, I expressed a desire to know whether, upon the institution of such an action, an appearance would be entered for all the Proprietors, as well those absent from this District, as those resident elsewhere; or whether the formality of electing Curators to the absent Proprietors would be rendered necessary and insisted upon, for the valid service of process in the action.

Allow me to renew in this form my request to receive an answer, on this point.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) J. STUART,
Atty. General.

The Honble. John Stewart, Esqr.

True Copy, J. STUART.

No. X.

Letter from J. STUART, Esqr. Attorney General to Lieut. Col. GLEGG, Secretary, &c.

Quebec, 31st Jany. 1831.

SIR,

In order the better to enable me to take such legal measures as may be found necessary for establishing the boundaries between the King's Posts and the Seigniorship of "Mille Vaches," in conformity with the directions of His Excellency the Administrator of the Government, on this head, I beg leave to submit to the consideration of His Excellency, that it would be expedient that the Inspector General of the King's Domain and Clerk of the Land Roll should receive orders to make me acquainted with all such titles and documents as may be recorded, or be found, in his office, relative to the boundaries in question, and which may be useful in support of such legal measures as may be adopted, in execution of His Excellency's directions.

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. XI.

Letter from the Hon. J. STEWART, Esq. to J. STUART, Esq. Attorney General.

Quebec, 5th February, 1831.

SIR,

I reply to your letter of the 31st ult. respecting the action contemplated to be brought against the Proprietors of the Seigniorship of "Mille Vaches," I have the honor to inform you that should the intention of bringing that action be persisted in, I shall instruct counsel to appear for the heirs of the late Peter Stuart, whom I represent as agent; and having communicated with the agents of the other absentee coproprietors of the said Seigniorship, I am authorized to state that appearances will likewise be entered for them, without the necessity of electing Curators to their absence. I at the same time have to request that you would have the goodness to postpone the commencement of proceeding in this cause, until the result of an application which the proprietors are about to make to His Excellency the Governor-in-Chief shall be known.

I have the honor to be, Sir,

Your most obedient servant,

(Signed) J. STEWART.

To the Honorable the Attorney General.

True Copy, J. STUART.

XII.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General.

CASTLE OF ST. LEWIS,
Quebec, 10th February. 1831.

Sir,

His Excellency the Governor in Chief has been, for some time past, in the expectation of receiving, from yourself and the Advocate-General, a report of your proceedings respecting the suit "*en Bornage*" of the Seignior of "*Mille Vaches*," directed by my letter of the 29th December last, to be instituted on the part of the Crown; but, having been disappointed in this expectation, he conceives that he can no longer remain silent on this subject;—And His Excellency has directed me to impress upon your mind the importance which he attaches to the proceedings in question.—His Excellency considers it in a point of view far more important, than any that result from the extent, more or less, of the boundaries of the King's Posts; for, it is a question in which the good faith of the Crown is concerned, as regards Mr. Lampson, the Lessee of that Property, under the Crown.—Such being the view taken of this affair by the Governor in Chief, he hopes it is unnecessary for him to say more, in order to induce you and the Advocate-General to use your utmost diligence, in bringing it to a speedy conclusion; and in order that His Excellency may be kept duly informed, from time to time, on a subject in which he takes so deep an interest, he desires that you will (jointly) report *Weekly*, that is to say, on every Saturday, (beginning with Saturday the 12th inst.) whether any, and what progress has been made in the business, during the past week.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) J. B. GLEGG. Secy.

Honble. James Stuart, Attorney General.

True Copy, J. STUART.

No. XIII.

Letter from J. STUART, Esquire, to Lieut. Col. GLEGG, Secretary of the Governor in Chief.

Quebec, 11th February, 1831.

Sir,

Upon the subject of your letter of the 10th instant, with which I have been honored, I beg leave to remark, that there is perfect readiness and willingness on my part to institute whatever actions may be legally instituted, for the establishment of boundaries between the seigniories of "*Mille Vaches*," and the adjoining lands of the Crown. But I do also humbly apprehend, that it is incumbent on me in this, as in all other cases, to become distinctly acquainted with the grounds on which an action for the Crown is to be brought by me, and the means by which it is to be supported. In cases where the rights of His Majesty, there is reason to believe, are affected by ancient French grants, the best source of information is supplied by the office of the Inspector General of the King's Domain, and Clerk of the Land Roll; in which the old French titles, and various documents determining the rights of His Majesty to lands are recorded, and to be found. I had, therefore, the honour, in my letter to you of the 31st January last, to suggest it to be expedient, that this officer should receive His Excellency's orders to make me acquainted with all such titles and documents as might be recorded or found in his office, relating to the boundaries in question. To this application I have received no answer.

Considering the terms of your letter to import a peremptory order to institute an action immediately against the proprietors of the seignior of "*Mille Vaches*," for the establishment of boundaries between that seignior and the adjoining lands of the Crown, I shall institute this action, as thus required. But, I must, at the same time, observe, that I shall take this step, without having been afforded the exercise of my official discretion in relation to it,—without having been required to submit, for His Excellency's consideration, my opinion whether there be legal and sufficient grounds for the proposed measure,—and without having been put in possession of any documents, or information, to enable me to judge whether there be such grounds or not,

I have the honor to be, Sir,

Your most obedient humble servant,

J. STUART,
Atty. General.

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

True Copy, J. STUART.

No. XIV.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General.

CASTLE OF ST. LEWIS,
Quebec, 12th February, 1831.

SIR,

With reference to the instructions you have received regarding a suit "*en bornage*" of the Seignior of "*Mille Vaches*" to be instituted on the part of the Crown, I am directed by His Excellency the Governor in Chief, to transmit to you the inclosed Petition of the proprietors of the Seignior of *Mille Vaches*, together with the accompanying Copy of a *Procès Verbal* of that Seignior, praying that the prosecution against them be stopped, or that the expence of it be paid by the Crown; and I am to refer the same to you, for your information, and for such observations thereon as you may judge necessary, to guide His Excellency, in any further proceedings in this business.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed) J. B. GLEGG, Secy.

Honble. James Stuart, Attorney General.

True Copy, J. STUART.

No. XV.

To His Excellency Matthew Lord Aylmer, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Governor in Chief in and over the Provinces of Lower and Upper-Canada, &c. &c. &c.

The Memorial of the Undersigned Proprietors of the Seignior of *Mille Vaches* in the District of Quebec.

Respectfully represents,

That by a communication lately made to your Petitioners, by His Majesty's Attorney-General, they have learned with surprize, that he has received instructions from Your Excellency to institute an action against Your Petitioners, for establishing the Boundaries of the said Seignior of "*Mille Vaches*" and the King's Posts.

That Your Petitioners are persuaded that such instructions have been given by your Excellency, under the impression of *ex parte* statements made by Mr. W. Lampron, the present Lessee of the King's Posts, and which Your Petitioners have had no opportunity of answering or explaining.

That Your Petitioners are confident, that when your Excellency shall be informed of the true state of the case, your Excellency will not put your Petitioners to the trouble and expence incident to an action of this nature; and it is therefore, with a view of enabling your Excellency to judge impartially upon this subject, that your Petitioners are induced to make the following statement; fully relying on the justice of your Excellency, and that if your Excellency shall be convinced that you have been deceived, by the false and imperfect statements of those interested on the other side of this question, that you will be graciously pleased to recall the instructions which may have been given.

The Seignior of "*Mille Vaches*" was originally granted on the 15th Nov. 1653, to Robert Giffard, Esquire, under the description of "*Trois lieues de front sur le fleuve St. Laurent, du côté du nord, audessous de Tadusac, et des grandes et petites Bergerons, au lieu dit 'Mille Vaches, avec quatre lieues de profondeur, tenant pardevant sur le dit fleuve, et des autres cotés aux terres non concédées;*" and by a *Procès Verbal* of Boucher, Surveyor, dated the 19th June, 1675, (of which a Copy is herewith transmitted) the said Seignior was regularly surveyed and bounded. By this survey it appears that the boundary mark to the north east is "*demie lieue audessous la rivière de Portneuf,*" and that to the south west "*audessus de la Baye de Mille Vaches au cap proche le Sault au Mouton.*" According to this title and survey, recognized by successive Governments before and since the conquest, the present proprietors and their predecessors have enjoyed the said Seignior, and have made establishments on the River Portneuf, called the Post of Portneuf, which river and post are indisputably within the limits of the said Seignior. Their property and right was never called in question till 1823, when the late Mr. Goudie, then a new lessee of the King's Posts first put forth a claim to the possession of Portneuf. This matter was then thoroughly investigated by the Government, and altho' the report of the Officers of the Crown was at the outset unfavourable, having been made without having called for or seen the titles of the proprietors, the then Governor in Chief ultimately decided, upon the production of those titles,

that the King's Lessee had no right whatever, and that it would be unjust to require a survey to be made of the Seigniorie, when the proprietors enjoyed it under one already in existence, and according to their titles. The action *en bornage* then prayed for by the lessee of the King's Posts was refused, and your petitioners know of no circumstance which can justify change that determination. Mr. William Lampson, the person now enjoying the lease of the King's Posts under assignment from Mr. Goudie, or his assigns, has indeed lately endeavoured, by force, to take possession of part of the Seigniorie, and has done other acts of violence and oppression towards your Petitioners and the Hudson's Bay Company, their lessees, in respect of which, actions and indictments are pending in the Courts of King's Bench civil and criminal, from which the injured parties hope to obtain redress; but your Petitioners deprecate with great humility, but at the same time with earnestness, the interference of the Crown in favor of the offending party against your Petitioners, who are the innocent and injured party.

Your Petitioners are fully sensible, that neither your Excellency, nor the Government, have or can have such intention; but they humbly submit that the institution of the action in question must necessarily have that appearance and effect, and has a direct tendency to call in question a title and possession which is in fact indisputable.

Your Petitioners therefore humbly pray that your Excellency will be graciously pleased to take all these circumstances into your consideration, and recall the instructions given to His Majesty's Attorney General, for the prosecution of the said suit, or in the event of the same being prosecuted, that your Excellency will be pleased to direct that the expences incident thereto may be borne by the Crown.

And your Petitioners shall ever pray, &c. &c. &c.

Quebec, 5th February, 1831.

(Signed)	For the Heirs of late Peter Stuart, by J. STEWART.
(Signed)	JOHN RICHARDSON.
(Signed)	JAS. WEIR.
(Signed)	MARGARET DUNN.

True Copy, J. STUART.

No. XVI.

Procès Verbal of Survey referred to in the preceding Letter.

Je soubs signé Louis Marin Boucher, Arpenteur Royal en la Nouvelle France, certifie qu'à la Requête du Sieur Charles Bazire, Marchand a Quebecq, associé avec le Sieur Charles Aubert de la Chenaye, stipulant pour le Sieur François Aober, son fils, Me suis expres transporté à La Baye de Mille Vaches, ou estant en presence de Charles Cadiieux, Sieur de Courville, Elie du Seau Sieur de la fleur, et Nicolas Le Febvre, icelui portant la Chaisne nous avons mesuré et arpenté au dit Sieur François Auber une concession de deux cents cinquante deux arpents, qui fait trois lieus de front sur le Fleuve St. Laurent, de chaque costé d'icelle planté une Borne d'une pierre longue, soubs les quelles est enterré brique et mache fer, une du costé du nord est *demie lieue au de soubs la Rivière de Portneuf* à une petite pointe bien un quart de lieue ou peu plus au dessus de l'Islet de Roches quy est à la mer, la quelle borne est bien une perche et demi en montant dans la coste, et avons marqué pres d'icelle un petit bouleau en forme de croix, et un peu au dessus placqué un autre bouleau sec et un sapin, l'autre du costé du sud ouest au dessus de la dite baye au Cap proche le sault au monton, quinze à seize arpents au dessous la quelle est plantée environ deux toises en montant dans la coste, et apres d'icelle avons marqué deux trembles et planté au pied de chacune des dites bornes un piquet, et un autre au dessus au nord ouest pour servir de marques et separassion, et continuer quant besoin sera dont et de ce que dessus jay dressé le present procès Verbal pour valloir et servir en temps et lieu ce que de raison le dit Sieur Bazire, le requerant fait ce dix neufyeme Juin, mil six cent soixante quinze, en presence des dits Sieurs Cadiieux et du Seau, les quels ont avec moy signé, et a le dit Lefebvre déclaré ne scavoir Ecrire ne signer de ce enquis suivant l'ordonnance.

(Signé,) Courville, avec paraphe.	(Signé,) Du Seau de la fleur.
(Signé,) BOUCHER avec paraphe.	
	BOISBUISSON, Arpenteur.

I Certify the above to be a true copy of an original minute of a Procès Verbal of the Seigniorie of Mille Vaches, exhibited to me by Mrs. Margaret Bell, widow of the late Robert Dunn, Esquire, in her quality of Tutrice to her minor children, and part proprietors of the said Seigniorie of Mille Vaches.

F. W. PRIMROSE, G. P. T.

Quebec, 5th February, 1831.

XVII.

Report required by His Excellency the Governor in Chief, to be made jointly and weekly by the Attorney and Advocate General.

To His Excellency the Right Honorable Matthew Lord Aylmer, Knight Commander of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and their several dependencies, Vice Admiral of and in the same, and Commander of all His Majesty's Forces in the said Provinces, and their dependencies, and in the Islands of Newfoundland, Prince Edward, Cape Breton, and Bermuda, &c. &c. &c.

May it please your Excellency,

In obedience to your Excellency's order, signified to us in Mr. Secretary Glegg's letter, of the 10th instant, that we do (jointly) report *weekly*, that is to say, on every Saturday (beginning with Saturday the 12th instant,) whether any, and what, progress has been made, in the business of the suit "*en bornage*" of the seigniory of "*Mille Vaches*," directed by the letter of Mr. Secretary Glegg, of the 29th December last, to be instituted on the part of the Crown; we have the honour to report, for your Excellency's information, that a letter was written by the Attorney General, on the 31st day of January last, to Mr. Secretary Glegg, suggesting it to be expedient that the Inspector General of the King's Domain and Clerk of the Land Roll should receive orders from your Excellency to make him acquainted with all such titles and documents as might be recorded, or be found in his office, relative to the boundaries of the said seigniory, and which might be useful in support of such legal measures as might be adopted in execution of your Excellency's directions; of which letter a copy is sent herewith.

We have also the honour to report, that, on the same day, the Attorney General wrote a letter to the Honorable John Stewart, Attorney for several of the proprietors of the seigniory of "*Mille Vache*," informing him of the instructions he had received to institute an action against them as above mentioned, and expressing a desire to know whether, upon the institution of such an action, an appearance would be entered for all the proprietors, as well those absent from this district, as those resident elsewhere, or whether the formality of electing Curators to the absent proprietors would be rendered necessary and insisted upon, for the valid service of process in the action. Of this letter a copy is also sent herewith.

We have also the honour to report that in answer to the last letter, the Attorney General received from Mr. Stewart a letter dated 5th February instant, in which he intimates the acquiescence of the proprietors of *Mille Vaches* in the Attorney General's proposal.

All which nevertheless, is respectfully submitted to your Excellency's wisdom, by

Your Excellency's most obedient

Humble Servants,

(Signed) J. STUART,
Atty. General.

Quebec, 12th February, 1831.

True Copy. J. STUART.

No. XVIII.

Letter from J. STUART, Esq. Attorney General, to GEORGE VANFELSON, Esq. Advocate General.

Quebec, 12th February, 1831.

SIR,

I send herewith, a Report to His Excellency the Governor in Chief, on the subject of the boundaries of "*Mille Vaches*," for your Signature, if you concur in it; if not, I have to request you will write your dissent at the bottom of it; and in either case, have the goodness to return it to me without delay, in order that I may transmit it to His Excellency.

I have the honour to be, Sir,

Your most obedient humble Servant,

(Signed) J. STUART,
Atty. General.

George Vanfelson, Esq. His Majesty's Advocate General.

True Copy, J. STUART.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General.

CASTLE OF St. LEWIS, 12th February, 1831.

SIR,

With reference to your letter of the 11th instant, I have been directed by His Excellency the Governor-in-Chief to desire that you will require from the head of any public department in this Province to which you may have occasion to refer, such documents as you may conceive to be necessary for the due prosecution of the contemplated suit "*en Bornage*" of the seigneurie of *Mille Vaches*, producing this letter as your authority for such requisition.

I have been further directed to desire that, as the former instructions conveyed to you in my letter of the 29th December last, required the Advocate General to act in conjunction with you, in the prosecution of the contemplated suit, His Excellency desires that the weekly report of progress, required by my letter of the 10th instant, may be a *joint* report, to be signed by yourself and the Advocate General.

Referring to the concluding part of your letter of the 11th instant, I have been directed to observe, that the Governor-in-Chief does not stop to consider, whether there be or be not sufficient legal grounds for the proposed measure. According to his Excellency's view of the subject, Mr. Lampton has right on his side, when he calls upon the King's Government, as sub-Lessee of the King's Posts, to determine for him the boundary of the *seigneurie* of *Mille Vaches*;—and His Excellency would, as he thinks, but ill deserve the confidence of his Sovereign, were he to leave any effort untried, whatever might be the prospect of success, where the good faith of His Majesty's Government is concerned.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed) J. B. GLEGG, Secy.

P. S.—A copy of this letter will be communicated to the Advocate General for his information and guidance.

(Signed) J. B. G.

Honble. J. Stuart, Attorney General.

True Copy, J. STUART.

XX.

Letter from the Hon. F. W. PRIMROSE, Inspector General of the King's Domain, &c. to J. STUART, Esqr. Attorney General.

Quebec, 12th February, 1831.

SIR,

In obedience to the commands of His Excellency Lord Aylmer, to make you acquainted with all such titles and documents as may be recorded, or found, in my office, relative to the boundaries of the Seigniorie of *Mille Vaches*, I have the honor to transmit to you herewith:—

1—Copy of the Survey of the Seigniorie of *Mille Vaches*, made by Martin Boucher the 19th June, 1675.

2—Copy of the Ordinance of the Intendant, for changing the tenure of the said Seigniorie from the *Coutume de Vexin le Francois* to that of Paris, and the declaration of Charles Bazin, in the name of François Aubert de la Chenaie, fils, made before the said Intendant, for the said Seigniorie, and *acte of souffrance* dated the 25th Sept. 1676.

N. B.—In this *acte* the Seigniorie is stated to have been surveyed by Boucher on the 19th June, 1675.

3—Copy of an *acte of Fealty and Homage* for the said Seigniorie, rendered by Messrs. Dunn and Stuart, 14th June, 1786.

The two former documents are copied from the originals belonging to the representatives of the late Honble. Thomas Dunn.—The last is copied from the original Register in my office.

I believe the above to be all that I can furnish you from my office on this subject.

I have the honor to be, Sir,

Your most obedient and faithful Servant,

F. W. PRIMROSE,
I. G. D. R. & C. L. R.

Honble. J. Stuart, Attorney General.

True Copy, J. STUART.

Letter from J. STUART, Esq. Attorney General, to Lieut. Col. GLEGG, Secretary, &c.
Quebec, 14th February, 1831.

SIR,
Adverting to the renewed injunction of His Excellency the Governor-in-Chief, contained in your letter of the 12th instant, by which His Excellency is pleased to desire, that the weekly report of progress in the affair of *Mille Vaches*, required by your letter of the 10th inst. may be a joint report, to be signed by myself, and the Advocate General; it would seem to be necessary, to prevent any misconception, that I should respectfully, for His Excellency's information, account for the absence of the signature of the Advocate General, to the report of the 12th instant, bearing my signature only. This report, together with the documents referred to in it, was sent to the Advocate General, accompanied by a letter from me, of which a copy is herewith sent, requesting him, if he concurred in the report, to sign it; if not, to note his dissent at the bottom of it; and, in either case, to return the report to me, that I might transmit it to His Excellency. The report and documents were returned to me, by the Advocate General, with a somewhat singular letter addressed to myself, intimating his dissent from the report, and his refusal to sign it. Under these circumstances, the report was necessarily transmitted by me to His Excellency, with my signature only.
I beg leave to state, that I am unaware of any better course than that above adopted, for satisfying His Excellency's particular desire, to have a joint report; and, with His Excellency's permission, I shall pursue the same course in future, unless I receive His Excellency's orders to the contrary.

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. XXII.

Letter from JAMES STUART, Esquire, His Majesty's Attorney General, to Lieut. Colonel GLEGG, Secretary, &c.
Quebec, 14th February, 1831.

SIR,
I have been honored with your letter of the 12th inst. transmitting a Petition of the proprietors of the Seigniority of *Mille Vaches*, together with a *Procès Verbal* of survey of that Seigniority, in which petition they pray, that the prosecution against them be stopped, or that the expence of it be paid by the Crown, which documents His Excellency has been pleased to refer to me, for my information, and for such observations thereon, as I may judge necessary, to guide His Excellency in any further proceedings in this business.
Upon these commands of His Excellency, I beg leave respectfully to state, for His Excellency's information, that the prosecution (that is the action, for the establishment of boundaries) referred to in this Petition, and which the petitioners pray may be stopped, has not yet been instituted; but, in obedience to His Excellency's order contained in your letter of the 10th inst. my attention to be fyled by me has been prepared—and my Clerks are now employed in copying it, in order that the process may be immediately sued out upon it, returnable in the present Term of His Majesty's Court of King's Bench for the District of Quebec, which will close on Saturday next the 19th inst. From the terms of your letter of the 12th inst. above referred to, however, I am led to doubt, whether it be His Excellency's intention, that I should persist in the immediate execution of his order of the 10th inst. or whether I am to suspend the execution of that order, till after my report on the Petition of the proprietors of "*Mille Vaches*," and till I may be honored with the further directions of His Excellency on this subject.
I beg you will do me the favor to take His Excellency's pleasure on this head for my guidance.

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. XXIII.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General.

CASTLE OF ST. LEWIS,
Quebec, 10th February, 1830. X 15

Sir,

With the view of preventing all misconceptions on the subject of the latter part of your letter of yesterday's date, I am commanded by His Excellency the Governor in Chief, to desire, that the suit "*en Bornage*" of the seigniory of *Mille Vaches* may proceed, without loss of time. I am further directed to add, that, with reference to the petition of the proprietors of *Mille Vaches*, and the mode of defraying the expences connected therewith, His Lordship is of opinion that it is a point for future consideration.

I have the honor to be, Sir,

Your most obedient humble servant,

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

Honble. J. Stuart, Attorney General.

True Copy, J. STUART.

No. XXIV.

To His Excellency the Right Honorable Matthew Lord Aylmer, Knight Commander of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and their several dependencies, Vice Admiral of and in the same and Commander of all His Majesty's Forces in the said Provinces, and their dependencies, and in the Islands of Newfoundland, Prince Edward, Cape Breton, and Bermuda, &c. &c. &c.

May it please your Excellency,

In obedience to your Excellency's order, signified to us, in Mr. Secretary Glegg's letter of the 10th inst. requiring that we do (*jointly*) report *weekly*, that is to say, on every Saturday (beginning with Saturday the 12th inst.) whether any and what progress has been made, in the business of the suit "*en bornage*" of the Seigniory of "*Mille Vaches*," directed by the letter of Mr. Secretary Glegg, of the 29th December last, to be instituted on the part of the Crown;—We have the honour to report for your Excellency's information, that the letter of Mr. Secretary Glegg of the 15th instant, in answer to that of the Attorney General of the 14th inst. by which, notwithstanding, the Petition of the proprietors of "*Mille Vaches*," referred to in these letters, your Excellency was pleased to desire, that the said suit "*en bornage*" should proceed, without loss of time, did not reach the Attorney General till after four o'clock in the afternoon of the 15th inst. at which period, it was not practicable, consistently with the rules of practice of the Court, in which the suit was to be instituted, to cause process to be sued out and served in time to be made returnable in the present term, which ends to-day.—Process was, therefore, sued out by the Attorney General, the next day, that is the 16th day of February instant, returnable on the 2d day of April next, being the earliest day on which it could be made returnable; till which period no further progress in the suit in question can be made; and we presume, therefore, that it is consistent with the *spirit*, if not the *letter* of your Excellency's order of the 10th inst. that we do abstain from making any further reports to your Excellency, till after the process has been returned into Court; and, on this presumption, we shall take the liberty of acting, unless we receive your Excellency's orders to the contrary.

All which, nevertheless, is respectfully submitted to your Excellency's wisdom, by

Your Excellency's most obedient,

Humble Servants,

(Signed)

J. STUART.
Atty. General.

Quebec, Saturday, 19th Feb. 1831.

Lieut. Colonel Glegg, Secretary, &c. &c.

True Copy, J. STUART.

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J. STUART,
Atty. General.

No. XXV.

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

Quebec, 19th February, 1831.

SIR,

Upon the subject of your letter of the 12th instant, transmitting to me a petition of the proprietors of the seigniory of *Mille Vaches*, together with a copy of a *procès verbal* of that seigniory, in which petition they pray that the prosecution against them may be stopped, or that the expence of it be paid by the Crown; I beg leave respectfully to state, for the information of His Excellency the Governor-in-Chief, that I have, in obedience to His Excellency's commands, perused the petition and the *procès verbal* above referred to, by which a case *prima facie* is made out in favour of the petitioners; but it is impossible for me to report any absolute opinion on the alledged rights of the petitioners, without further information on the point in dispute. This information, it has been impossible for me to obtain, in the short interval which has elapsed since the reference of the said petition to me, and with the multitude of avocations which press on me at this moment. But, on my return from Montreal, to which place I am now going on public duty, I shall not omit to institute such inquiries as may put me in possession of the information that may be necessary, to enable me to report, for His Excellency's consideration, my humble opinion, on the merits of the application of the proprietors of *Mille Vaches*, contained in their said petition.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed) J. STUART,
Atty. Genl.

Lieut. Col. Glegg, Secretary, &c.

True Copy, J. STUART.

COPIES OF

A PETITION OF WILLIAM LAMPSON,

TO THE HOUSE OF ASSEMBLY, OF LOWER CANADA,

AND OF

PAPERS LAID BEFORE THE ASSEMBLY, IN PURSUANCE OF THEIR ADDRESS
TO HIS EXCELLENCY THE GOVERNOR IN CHIEF,*Dated the 16th March, 1831.*

*Copy of the Petition of WILLIAM LAMPSON, to the House of Assembly of Lower
Canada, presented the 1st March, 1831.*

To the Honorable Knights, Citizens and Burgesses of Lower Canada, in Provincial
Parliament assembled.

WILLIAM LAMPSON, of Quebec, Esquire, Merchant, by this his Petition,

Most humbly represents,

That your Petitioner is Lessee of that part of the Domain Lands of the Crown, called the King's Posts, and of the exclusive trade with the Indians thereof, under a lease from the Crown.

That in consideration of the said lease, your Petitioner pays an annual rent of £1,200, and that upon the faith of the promises therein contained, your Petitioner has invested a capital of about £40,000 in that branch of commerce.

That, of late years, a rich and powerful association under the name of the Merchants Adventurers of England, trading to Hudson's Bay, have for the avowed purpose of trading in *Peltries* secured the lease of a small strip of land called *Mille Vaches*, of three leagues in front on the River St. Lawrence, by four in depth, conceded en Fief and Seigneurie by His Most Christian Majesty, in the year 1653.

That this Fief and Seigneurie is bounded on all sides, except the front, by the said King's Posts.

That the said Fief and Seigneurie was so granted, for the purpose, not of trade, but of *settlement only*, and that there is not a single settler on the said Fief and Seigneurie nor any habitation.

That the said Fief and Seigneurie is generally understood and believed not to contain animals of the chase, and that even if it did, furs, the bona fide produce of so small a space of ground, could not, considering the outlays and expenses of the said Company, become any source of profit.

Yet that your Petitioner is informed the said Hudson Bay Company have consented to pay a rent of about £200 for the lease of the said Fief and Seigneurie, in as much as they have thus obtained the means of trespassing upon the limits of the King's Posts, and of trading with the Indians, although the tenure upon which the said Seigneurie was granted confers no right so to do, and that the proprietors and inhabitants thereof, if any there were, are excluded therefrom, in common with all the King's subjects.

That the said Hudson's Bay Company, relying on the incapacity of any single individual to cope with them, and with the intention of ruining your petitioner, in order to engross the whole trade, have openly violated the rights and privileges of your petitioner, guaranteed to your petitioner by the said lease, and have seduced and demoralized the Indians, by the distribution, (among other means) of immoderate quantities of strong liquors; and that the said Hudson's Bay Company have possessed themselves of furs, the *bona fide* property of your petitioner, to an immense amount. That they have also committed actual violence, on the agents and servants of your petitioner, and threatened to take their lives.

That, with the view of occupying the River Portneuf, as being calculated to facilitate their incursions into the interior of the King's Posts, the said Hudson's Bay Company have exceeded the limits of the said Fief and Seigniory, and have unlawfully appropriated to

themselves a large and valuable tract of land, the property of the Crown, to which tract your petitioner, under his said lease, is justly entitled.

That it is of incalculable importance to your petitioner, that he should enjoy the said tract, and that the said Hudson's Bay Company should be ejected, your petitioner having found his profits diminished one-half, by the means of injuring him, which the occupation of the said tract and river have afforded the said Hudson's Bay Company.

That it is the right of the Crown, as well as the interest of your Petitioner, to resume the said tract of land, and a right which your Petitioner humbly submits the Crown is bound to exercise, and which it is the duty of the Attorney General to assert by supporting the lessee of the Crown.

That as a consequence of the aggressions of the agents and servants of the Hudson's Bay Company, collisions have taken place between the servants of your Petitioner and those of the Hudson Bay Company, which have led to several prosecutions, as well on the criminal as on the civil side of the Court of King's Bench for the District of Quebec, in which your Petitioner is interested.

That, under an impartial administration of justice, it would not be difficult to prove that these breaches of the peace and other injuries were committed and excited by the arts and for the benefit of the said Hudson's Bay Company, and by the instrumentality of their agents and servants.

That your Petitioner, having set forth the premises to enable your Honorable House fully to comprehend the causes which have led to this Petition, presumes to inform your Honorable House, that the private Counsel and Attorney of the said Hudson Bay Company is the Honorable James Stuart, His Majesty's Attorney General for this Province, and an Executive Councillor.

That, in an action of Revendication brought by your Petitioner in the Court of King's Bench under the No. 1212, against a partner and an agent of the said Company, who took and converted to their own use a lot of furs of the value of £1,500 belonging to your Petitioner, the said James Stuart has appeared as the private Attorney for the Defendants.

That in another action "*en réintégrande*" under the No. 642, brought before the said Court by the said Hudson Bay Company against your Petitioner, the said Attorney General appears as Attorney for the said Hudson Bay Company, the Plaintiffs, and that inasmuch as the said action "*en réintégrande*" relates to the above named valuable tract of land belonging to the Crown, the said Attorney General has there lent his ministry to persons whose interests were and are *adverse* to the King's Government.

That, actuated by a natural bias in favor of his clients, the said Attorney General has perverted the administration of justice, by preferring numerous frivolous indictments against the agents and servants of your Petitioner, by repeatedly causing them to be hurried away in custody from the several places at which they were stationed, and by lending himself to facilitate the escape of his clients (the aggressors) when complaints were preferred against them, on which he, as Attorney General, ought to have prosecuted them criminally with effect.

That the said Attorney General has even gone the length of appearing for the Defendants, a partner and two agents of the Hudson Bay Company, in three several cases in which our Sovereign Lord the King is Plaintiff, wherein the said partner and two agents or servants had been condemned to pay three several fines for distributing liquors to Indians, and that he so appeared, knowing that the Crown was interested in recovering a moiety of the said several penalties which the said several parties were condemned to pay.

That the Attorney General has abused his power as Attorney General to favor the said Hudson Bay Company his clients, the commercial rivals of your Petitioner to the great damage of your Petitioner, and has deprived your Petitioner of [that support from the Crown which your Petitioner, had a right to expect, and that the Attorney General has acted in direct opposition to the interests of Government.

That your Petitioner, having found it necessary to apply for relief on certain subjects growing out of the contests between your Petitioner and the said Hudson Bay Company, to His Excellency the Governor in Chief, your Petitioner has found His Excellency disposed to do him justice to the full extent of His Excellency's power, a disposition of which your Petitioner has had frequent experience, and in which he feels the most unbounded confidence.

But that the matters submitted to His Excellency were of a nature requiring the advice and interference of the Law Officers of the Crown, and that your Petitioner has been deprived of the benefit which he must have derived from the unbiased opinion and authority of His Majesty's Attorney General, from the circumstances above related.

That your Petitioner has the more reason to complain of the position in which the said Attorney General has placed himself with respect to the Crown, in so much as of the Honorable Members of the Executive Council, (the constitutional advisers of His Excellency), one is a partner of the said Hudson's Bay Company, and another the Agent of the Proprietors of *Mille Vaches*.

Wherefore your Petitioner complains of the conduct of the said Attorney General, and prays that it may please His Honorable House to grant to your Petitioner the benefit of an investigation, that justice may be done in the premises, as the wisdom of this Honorable House may prescribe.

And your Petitioner as in duty bound will ever pray.

(Signed)

WM. LAMPSON.

Report of the Attorney and Advocate General of Lower Canada, as to the Post of Portneuf, being or not being within the King's Posts.

Quebec, 18th April, 1823.

Sir,

In obedience to the commands of His Excellency the Governor in Chief to us signified, by order of reference of the 8th instant, inclosing a letter from Mr. Vallières, the legal Agent of Mr. Goudie, Lessee of the King's Posts, claiming possession of the Post of Portneuf, as thereunto belonging, with instructions to report whether that Post belongs to that part of His Majesty's *Domain* which is leased to Mr. Goudie, under the denomination of the King's Posts;—we have procured all the information which it is possible to collect on the subject, and now report our opinion, for the consideration of His Excellency the Governor in Chief.

On reference to Mr. Goudie's lease, bearing date the 26th July, 1822, made out and executed by the King's Notary, the extent of the King's Posts are mentioned, in vague and general terms, viz. "All those His Majesty's Domain Lands and Posts, situate and lying on the north side of the River St. Lawrence, in the Province of Lower Canada, commonly called and known by the name of the King's Posts." This description was taken by the Notary, from the conditions inserted in the Quebec Gazette, by order of the Executive Council; and on a reference to the lease made on 5th April, 1802, the like description will be found. From this important description, it became necessary to inquire whether, in the Surveyor General's office, any better or sufficient description, and exact limits could be found, or pointed out; but, after enquiring from the Surveyor General personally, no exact limits could be given by him, nor could any be pointed out. We, therefore, referred to a Topographical Map of the Province, drawn by Vondenvelden and Charland, Land Surveyors, by order of His Majesty's Provincial Government, under the directions of the late Samuel Holland, Esquire, Surveyor General of the Province, by which Map, it appears, that the King's Posts consist of the lands, part of which were known under the French Government, by the denominations of the Tadousac, (1 vol. Edit p. 63.) with several additions which seem to have been since made to them, as it would appear, by this Map, and would comprise all that extent between Black River and *Les Cap des Cormorans*, excepting *Mille Vaches*, and such other tracts pointed out as conceded. The old Lessees being possessed, as of their own property, of the Seigniorly or Fief called *Mille Vaches*, it became necessary to ascertain where it lay and what it consisted of. We, therefore, resorted to the original grant of that Fief, conceded by Monsieur de Lauzon, Gouverneur, to Robert Giffard, on the 2d July, 1670, wherein the extent of the Fief is limited and described as follows: "trois lieues de front sur le fleuve St. Laurent du côté du nord au dessous de Tadousac, et des Grandes et Petites Bergerons, au lieu dit *Mille Vaches*, avec quatre lieues de profondeur, tenant par devant sur le dit fleuve et des autres côtés aux terres non concédées."—The like limits are given in a "*foi et hommage*," tendered on the 28th May, 1782, by Thos. Dunn and Wm. Grant, Esqrs. as proprietors of that Fief.—This description is well explained, and will be understood, by referring to the map, by which it would appear the limits of *Mille Vaches* were fixed. On enquiry, however, at the Surveyor General's Office, it does not appear that any survey or "*bornage*" has ever taken place, or any "*Procès Verbal*," dividing this Fief from the unconceded lands of the Crown. The Post of Portneuf, now demanded by Mr. Goudie, is, as it appears by the map, at some distance below *Mille Vaches*, and a portion of the King's Posts, as it strikes us, being within the limits above stated.—It will also appear, on reference to the ordinance made by Hocquart, Intendant, for the limits of the King's Domain in May, 1733, (2 vol. edit. p. 87,) what was comprised within the limits of the King's *Domain*, before the conquest; and although the names of places and posts have since changed, it is easy to identify the old limits.

From all the information by us collected on the present subject, we are of opinion that the post of Portneuf belongs to that part of His Majesty's Domain, which is leased to Mr. Goudie, under the denomination of the *King's Posts*.

We have, &c. &c. &c.

(Signed) N. F. UNIACKE,
Atty. Genl.
GEO. VANFELSON,
Adv. Genl.

A. W. Cochran, Esqr. Civil Secretary.

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

No. II.

Petition of the Hudson's Bay Company to His Excellency the Governor in Chief.

To His Excellency Lord Aylmer, Knight Commander of the Most Honorable Military Order of the Bath, &c. &c. &c.

The Humble Petition of the Hudson's Bay Company.

Respectfully represents,

That your Petitioners are Lessees of the Seigniorly of "*Mille Vaches*," in the District of Quebec, under a lease from the proprietors thereof, granted in the year 1822, with an exclusive right of trading with the Indians within its limits; and carrying on their trade with the Indians there, at the Post of Portneuf, situated within the said seigniorly.

That your Petitioners, as a commercial company, more particularly engaged in the fur trade, and having establishments at Portneuf and other places within the Province, for the purpose of carrying it on, in the course of their transactions and intercourse with the Indians, have by their agents and servants necessarily been the channel by which rum and other spirituous liquors have come into their hands.

That it never entered into the contemplation of your Petitioners, that such a circumstance could be considered as illegal, nor do they conceive that they have in any manner offended the laws in this particular. But 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 Seigniorly of *Mille Vaches*, for his own private purposes, has by the means of one George Linton laid informations against Robt. Cowie, William Davis, and Elie Boucher, three of the agents and servants of your Petitioners, (founded upon the Ordinance 17, Geo. 3, c. 7, made to prevent the selling of strong liquors to the Indians without license from the Governor, &c. of the Province of Quebec,) for selling and distributing liquors to Indians at Portneuf aforesaid; and although your Petitioners are 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 is apparent that these proceedings are vexatious, and carried on for the purpose of private gain, without any view to the interests of the public;—yet your Petitioners, for greater security in preventing the vexatious and oppressive application of the said ordinance for the past, and guarding against the same misapplication of it to their future dealings and intercourse with the Indians, are desirous of obtaining for themselves and their aforesaid 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.

Wherefore your Petitioners humbly pray, that your Excellency will be graciously pleased to grant to your Petitioners, their agents and servants, and particularly to the said Robert Cowie, William Davis, and Elie Boucher, His Majesty's free pardon, for all offences of like nature, for the past, (always excepting any right that may be found to have accrued to the said George Linton, in the penalties sued for,) and that your Excellency will also be graciously pleased to grant the said Hudson's Bay Company, their agents and servants, a license to distribute spirituous liquors to the Indians within the Seigniorly of *Mille Vaches*, and at all other posts and places occupied by the said Company, for the purposes of trading within this Province.

And your Petitioners shall ever pray, &c. &c.

(Signed) JAMES M'KENZIE,
Agent for the Hudson's Bay Company.

Quebec, 20th November, 1830.

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

Quebec, 22d Nov. 1830.

No. III.

Report of J. STUART, Attorney General, on the subject of the preceding Petition.

Quebec, 26th November, 1830.

Sir,

I have been honored with the commands of His Excellency Lord Aylmer, transmitting a copy of a Petition from the Hudson's Bay Company, in which they pray that a license may be granted to them, their agents and servants, to distribute spirituous liquors to Indians, within the Seigniorly of "*Mille Vaches*," and at all other posts and places

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accipied by the said Company, for the purpose of trade, within this Province; and requiring me to state, for His Excellency's information, whether he is empowered, by the laws now in force, to grant the license prayed for, and whether it is expedient that the said prayer should be granted.

In obedience to His Excellency's commands, I have perused the petition which His Excellency has been pleased to refer to me, and have the honor to state, that this petition has evidently been preferred, in consequence of the opinion entertained by the agent of the Hudson's Bay Company, that the provisions of the Provincial Ordinance, 17 Geo. III. c. 7, prohibiting the sale of strong liquors to Indians, without license, are still in force, and applicable to that company.—But this opinion is erroneous. The provisions referred to, by a subsequent Provincial Ordinance (31, Geo. III. c. 1.) have been repealed, as to all traders, except those at a fixed residence, in a settled part of the Province, who are required to have a license for keeping a house of public entertainment. They are, therefore, inapplicable to the dealings of the Hudson's Bay Company, in their seigniority of "*Mille Vaches*," and neither the pardon, nor the license applied for, is necessary.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed) J. STUART,
Atty. Genl.

Lieut. Col. Glegg, Secretary, &c.

True Copy, J. STUART.

No. IV.

Copy of the Petition of WILLIAM LAMPSON, to His Excellency the Governor in Chief.

To His Excellency Matthew Lord Aylmer, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant General and Commander of His Majesty's Forces in the Province of Lower Canada, and Upper Canada, Nova Scotia, New Brunswick, and their several Dependencies, and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

The humble Petition of William Lampson, Esquire, of the City of Quebec, Merchant, respectfully sheweth,

May it please your Excellency,

That from the first day of April, one thousand eight hundred and twenty-eight, your Petitioner has been the sub-lessee of His Majesty's domain lands, known by the name of the King's Posts, and as such acknowledged by His Majesty's Government, to whom your Petitioner has paid semi-annually the rent stipulated by the lease, entered into by the late Governor in Chief, for and on behalf of His Majesty, with the late John Gaudie, Esquire, a copy of which lease is herewith submitted.

That from the commencement of this lease, and ever since your Petitioner has held the same, he has, on many occasions, and by various means, been interrupted in the quiet enjoyment, and peaceable possession, of the said domain lands, to which is attached the exclusive right of trading with the Indians. That the evil, arising from such interruption, is so detrimental to the King's Posts, and injurious to your Petitioner, as sub-lessee thereof, that he can no longer forbear bringing the matter under the consideration of His Majesty's Government; your Petitioner indulging a hope, that the Crown, whose interest is closely connected with that of the lessee of the King's Posts, will support and protect him in the exclusive trade with the Indians, according to his lease. To enable your Excellency the more easily to understand the case, your Petitioner begs leave most respectfully to lay before your Excellency, a short sketch or account of the King's domain lands, as a post of exclusive trade, from the very first establishment.

The first point submitted by your Petitioner, to the consideration of your Excellency, is the absolute and immediate necessity of causing a survey of the Seigniority of *Mille Vaches*, to be had. This Seigniority was granted in the year 1653, to an individual of the name of Giffard, as appears by a certified copy of the grant, herewith submitted. The grant is of the extent of three leagues in front, on the River St. Lawrence, and four leagues in depth, below *Tadoussac*, and the great and little Bergeronnes at the place called *Mille Vaches*, (a Bay of that name within the King's Posts) on reference to the grant, it will be seen that it is the usual and ordinary grant made in the Colony, before the conquest, for the purpose of agricultural settlement. This tract of land, however, was never settled but left in a state of nature, and having never been surveyed by order of Government, nor with its assent, and no boundaries set, to divide it from the domain lands, the proprietors of *Mille Vaches*, and their lessees have, from time to time, as it suited their convenience, encroached upon the domain lands, and have not only extended the front of that Seigniority to nearly five leagues, but have even gone the length of changing the site or front of *Mille Vaches*, so as to take in a River called Portneuf, (an

inlet into the interior,) on the Bank of this River, they have established a Trading Post, where they systematically carry on a traffic with the Indians of the King's Posts, injurious to the rights of the Crown, and to the prejudice of your Petitioner, who holds that exclusive right of trade by his lease.

That, owing to the want of meters and bounds between the *Mille Vaches*, and the domain lands, your Petitioners, Agents and Servants, and those of the late Governor of *Mille Vaches*, residing at Portneuf, have had frequent disputes and alterations on the subject of the limits of *Mille Vaches*, which have ever led to breaches of the Peace, and this circumstance alone makes it important to all concerned, that the lines should be drawn and boundaries set, to prevent similar occurrences in future, in a place so remote. That no Justice of the Peace or other Peace Officer can be resorted to, (next to the questions of *Bornage*,) your Petitioner presumes to call your Excellency's attention to another matter also of importance, for the legal exercise of the rights of the lessee of the King's Posts. Previous to the lease granted by the late Governor in Chief to J. Goudie, in 1822. Such leases were made and granted by Letters Patent under the Great Seal, as your Petitioner is advised, ought to have been done in the present instance. However, for some reason for which your Petitioner cannot account, the lease executed in favor of the late John Goudie, instead of being by Letters Patent under the Great Seal, is a simple Notarial Act, which although sufficient of itself to pledge the faith and honor of His Majesty's Government, is not in law a document of such authenticity or validity as would ensure success to your Petitioner, were he to institute legal proceedings against these persons, who might molest him or intrude on his rights as the lessee of the Crown.

It is, therefore, a matter of moment to him, that Letters Patent should without delay issue under the Great Seal, for the rest and residue of the term of his lease, on the same conditions as those stipulated in the lease recorded by the King's Notary, and to this subject your Petitioner most respectfully solicits your Excellency's immediate orders and directions.

That, at the same time, your Petitioner brings under the consideration of your Excellency's notice, the necessity of ordering Letters Patent to issue as above, he also takes the liberty of praying that a Proclamation in the usual and ordinary form, may issue, strictly enjoining and forbidding all persons (those authorized by the lessee of the King's Posts only excepted,) from trading with the Indians of the King's Posts; such a Proclamation issued by the late Governor in Chief in March, 1823, and another by the Administrator of the Government of the Province in August, 1815.

From the disturbances that have lately taken place, within the King's Domain Lands, between the servants of the lessee, and the people of Portneuf, and others who have at various times made incursions into the interior, this Proclamation would be calculated to afford your Petitioner that support from the Crown which he has a right to expect, and prevent a recurrence of excesses which have taken place.

That the subject which your Petitioner craves lastly to bring under the notice of your Excellency is one of vast importance, to the just rights of the Crown, and worthy of the most serious consideration. An action has lately been instituted by the Hudson's Bay Company, as lessees of *Mille Vaches*, by the ministry of the Attorney General, against your Petitioner and his servants, for supposed trespasses near the River Portneuf, (the site in dispute) to which both the Hudson's Bay Company and your Petitioner, as lessee of the King's Posts, lay claim, a copy of the writ and declaration served on your Petitioner is herewith submitted, and your Petitioner, at the same time, prays most humbly for the interference of the Crown to afford him the necessary assistance to defend the said action.

The result of this action must be of the utmost importance to the Crown in this particular, that an extensive tract of valuable land will be wrested from the Crown without title, should the lessees of *Mille Vaches*, countenanced by the Attorney General, succeed in the said action.

Again, if they retain possession of the River Portneuf, and the post establishment on the bank of that river, there is an end to the exclusive trade with the Indians of the King's Posts, the River Portneuf being an inlet into the interior, through which all the Indians of the King's Domain can be enticed away from the lessee, without any possibility of preventing the evil, the country round being a complete wilderness, over which, it is impossible at all times to watch, under these circumstances the large sum received by His Majesty's Government annually, and the advances and comforts to the Indians, for whom they lessee of the King's Posts is bound to provide, can no longer be expected.

That your Petitioner, in laying his claims before your Excellency for mature consideration, cannot pass over in silence, but must be permitted to express his regret, that the leading Crown Officer (the Attorney General) should be found zealously engaged in advocating an interest so adverse to the true interests of the Crown, as that set up, by the owners of *Mille Vaches*, and their lessees, and that your Excellency will therefore give mature consideration, to whom this Petition is to be referred, to afford such relief and impartial justice, as your Petitioner is so justly entitled to.

Wherefore your Petitioner humbly prays that your Excellency will be pleased to take the premises in your immediate and most serious consideration, and thereupon grant your Petitioner the relief prayed for.

And as in duty bound your Petitioner will ever pray.

(Signed) WM. LAMPSON.

Quebec, 21st December, 1830.

True Copy, J. B. GLEGG, Secy.

No. V.

Sketch of the King's Posts.

No. VI.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esqr. Attorney General, dated 23d December, 1830.

[For this Letter, vide No. I. in the preceding correspondence.]

No. VII.

Letter from J. STUART, Esq. Attorney General, &c. to Lieut. Col. GLEGG, Secretary, &c. dated 24th December, 1830.

[For this Letter, vide No. II. in the preceding correspondence.]

No. VIII.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General, dated 29th December, 1830.

[For this Letter, vide No. III. in the preceding correspondence.]

No. IX.

Letter from Lieut. Col. GLEGG, Secretary, &c. to GEORGE VANFELSON, Esqr. Advocate General.

Castle of St. Lewis, Quebec, 29th December, 1830.

SIR,

I have the honor of transmitting to you, herewith, copy of a letter which I have this day addressed to the Attorney General, by command of the Administrator of the Government; and I have been directed by His Excellency, to desire that you will be pleased to put yourself in immediate communication with the Attorney General, for the purpose therein specified.

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

(Signed) J. B. GLEGG, *Secy.*

Geo. Vanfelson, Esquire, Advocate General.

True Copy. J. B. GLEGG, *Secy.*

No. X.

Letter from J. STUART, Esqr. Attorney General, to Lieut. Col. GLEGG, Secretary, &c. dated 30th December, 1830.

[For this Letter, vide No. IV. in the preceding correspondence.]

No. XI.

Letter from Lieut. Col. GLEGG, Secy. &c. to J. STUART, Esquire, Attorney General, dated 30th December, 1830.

[For this Letter, vide No. V. in the preceding correspondence.]

No. XII.

*Letter from J. STUART, Esqr. Attorney General, to Lieut. Col. GLEGG, Secretary, &c.
dated 31st December, 1830.*

[For this Letter, vide No. VII. in the preceding correspondence.]

No. XIII.

Letter from Lieut. Col. GLEGG, Secretary, to G. VANFELSON, Esq. Advocate General.

Castle St. Lewis, Quebec, 6th January, 1831.

SIR,

With reference to your enquiry when it might be expedient for you, to put yourself in communication with the Attorney General, on the subject referred to in my letter of the 29th ultimo, I am commanded by His Excellency the Administrator of the Government, to request you will immediately wait upon that Officer, for the purpose of acting in concert with him, on the subject of a public instruction that was addressed to him by order of His Lordship, relative to the expediency of immediately ascertaining the metes and boundaries of the Seignioriy of "Mille Vaches."

I have the honor to be, Sir,

Your most obedient humble servant,

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

Geo. Vanfelson, Esqr. Advocate General.

True Copy, J. B. GLEGG, Secy.

No. XIV.

*Letter from J. STUART, Esq. Attorney General, to Lieut. Col. GLEGG, Secretary, &c.
dated 31st January, 1831.*

[For this Letter, vide No. X. in the preceding correspondence.]

No. XV.

*Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General,
and also to GEORGE VANFELSON, Esq. Advocate General, dated Feby. 10, 1831.*

[For this Letter, addressed to these Officers, separately, vide No. XII. in the preceding correspondence.]

No. XVI.

*Letter from J. STUART, Esq. Attorney General, to Lieut. Col. GLEGG, Secretary, &c.
dated 11th February, 1831.*

[For this Letter, vide No. XIII. in the preceding correspondence.]

No. XVII.

*Report by J. STUART, Esq. Attorney General, to His Excellency the Governor in Chief,
dated 12th February, 1831.*

[For this Report, vide No. XVII. in the preceding correspondence.]

No. XVIII.

Letter from Lieut. Col. GLEGG, Secy. &c. to J. STUART, Esq. Attorney General, and also to GEO. VANFELSON, Esq. Advocate General, dated 12th February, 1831.

[For this Letter, addressed to these Officers, separately, vide No. XIV. in the preceding correspondence.]

No. XIX.

Letter from Lieut. Col. GLEGG, Secy. &c. to J. STUART, Esquire, Attorney General, dated 12th February, 1831.

[For this Letter, vide No. XIX. in the preceding correspondence.]

No. XX.

Letter from Lieut. Col. GLEGG, Secretary, &c. to G. VANFELSON, Esq. Advocate Genl.

Castle St. Lewis, Quebec, 12th February, 1831.

SIR,

I am commanded by His Excellency the Governor in Chief to transmit you the enclosed copy of a letter which I have this day addressed to the Attorney General by His Excellency's order, relative to the due prosecution of the suit *en bornage* of the Seigniori of *Mille Vaches*, for your information and guidance.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) J. B. GLEGG, Secy.

Geo. Vanfelson, Esqr. Advocate General.

True Copy, J. B. GLEGG, Secy.

No. XXI.

Letter from J. STUART, Esqr. Attorney General, to Lieut. Col. GLEGG, Secretary, &c. dated 14th February, 1831.

[For this Letter, vide No. XXI. in the preceding correspondence.]

No. XXII.

Letter from J. STUART, Esquire, Attorney General, to Lieut. Col. GLEGG, Secy. &c. dated 14th February, 1831.

[For this Letter, vide No. XXII. in the preceding correspondence.]

No. XXIII.

Letter from Lieut. Col. GLEGG, Secretary, &c. to J. STUART, Esq. Attorney General, dated 15th February, 1831.

[For this Letter, vide No. XXIII. in the preceding correspondence.]

No. XXIV.

Letter from Lieut. Col. GLEGG, Secy. Sc. to G. VANFELSON, Esq. Advocate Genl.
Castle St. Lewis, Quebec, 15th Feby. 1831.

SIR,

In compliance with the commands of His Excellency the Governor in Chief, I transmit herewith a letter of yesterday's date, received from the Attorney General, and am directed to request you will favor me, for His Lordship's information, with your reasons for not having concurred with him in a joint report, agreeably to the instructions which were communicated to you in my letter of the 10th instant.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) J. B. GLEGG, Secy.

Geo. Vanfelson, Esqr. Advocate General.

True Copy, J. B. GLEGG, Secy.

XXV.

Letter from G. VANFELSON, Esqr. Advocate General to Lt. Col. GLEGG, Secy. Sc.
Quebec, 19th Feby. 1831.

SIR,

In answer to the letter with which I was honored on the 15th inst. commanding me to report, for His Excellency's information, what reasons I had for not concurring with the Attorney General in a joint report, agreeable with the instructions which were communicated to me, in your letter of the tenth instant—I have the honor to state, for His Lordship's information, that the grounds for that dissent are fully stated in my official report, sent you the 12th instant; and for more ample information as to my dissent, I beg leave to transmit you herewith, a copy of a letter by me written to the Attorney General on the subject, in answer to the one he wrote me, calling for my signature to the report in question, and to which he alludes in the letter he wrote you on the 14th inst. the reasons assigned to the Attorney General, with the statement contained in my report of last Saturday, will I trust show satisfactorily why I could not sign it, without compromising myself in the delay, that had taken place, in giving due effect to his Lordship's commands, in obedience to your official letter of the 29th December last, touching the *bornage* of *Mille Vaches*.

I have the honor to be, Sir,

Your very obedt. humble servant,

(Signed) G. VANFELSON,
Adv. Genl.

P. S.—The letter of the Attorney General sent me, I herewith enclose.

(Signed) G. V. F.

Lieut. Col. Glegg, Civil Secretary.

Letter from G. VANFELSON, Esqr. to J. STUART, Esqr. referred to in the foregoing Letter.

(INCLOSURE)

Quebec, 12th Feby. 1831.

SIR,

I acknowledge the receipt of your official communication of this date on the subject of the boundaries of *Mille Vaches*, which communication is accompanied with a report prepared by you, to which you request my signature, in case I should concur in it.

if not, to note my dissent at the bottom of it, and in either case, to return it to you without delay, in order that you may transmit it to His Excellency the Governor in Chief; upon perusing the report in question, I find that you have taken upon yourself to adopt a course totally different, to the one agreed upon between us, when I had the honor to meet you on the 7th ultimo, when it was settled the original grant of *Mille Vaches* was the title required, and that we should ascertain who were the co-proprietors of that Seignior; the title I procured and sent you the very same day; of the names of the proprietors I furnished you a list on the 12th of the same month, nothing then remained to be done, but to cause a tutor to be appointed to the minors Robert Dunn, (if their mother has not already that appointment) and to cause a curator to be appointed to the absentees.

The steps necessary to effect these appointments required but little time and labour.

No proceedings or steps, however, to advance the matter are taken by you, until the very last day of January, but without communication with me; and unknown to me you write a letter to the Honorable John Stewart, and another letter of the same date to the Civil Secretary on the subject in question, both of which communications I take to be contrary to what had been settled upon between us early in January, and causing unnecessary, and in my opinion, unjustifiable delay, as is apparent by the Honorable John Stewart's answer of the 5th instant, wherein he concludes by requesting "that you would have the goodness to postpone the commencement of proceedings in this cause until the result of an application, which the proprietors are about to make to His Excellency the Governor in Chief shall be known."—With which application we acting conjointly for the Crown, have nothing to do or say.—Not, therefore, approving in any manner of the course by you taken, I deem it right for my own justification in the matter to decline signing your report, as I have sent in my own this morning.

I herewith return the report with the three copies of letters accompanying the same, and would still strongly recommend the course agreed upon originally to be followed.

I have the honor to be, Sir,

Your most obedt. humble servant,

(Signed) GEORGE VANFELSON.

Honble. James Stuart, Attorney General.

No. XXVI.

Letter from J. STUART, Esq. Attorney General, to Lieut. Col. GLEGG, Secretary, &c. dated 19th February, 1831.

[For this Letter, vide No. XXV. in the preceding correspondence.]

No. XXVII.

Letter from GEO. VANFELSON, Esq. Advocate General, to Lieut. Col. GLEGG, Secy. &c.

Quebec, 19th February, 1831.

SIR,

I was honored with His Lordship's commands by your Official Letter of the 12th instant, accompanied with a copy of the Petition of the Proprietors of the Seignior of *Mille Vaches*, together with a copy of a *Procès Verbal* of that Seignior, praying that the action directed to be brought against them be stopped, or that the expense of it be paid by the Crown, which Petition and *Procès Verbal* are referred to me for information, and for such observations thereon as I may judge necessary to guide His Excellency the Governor in Chief, in any further proceedings in the business.

I have carefully read this Petition, and the *Procès Verbal* produced in support of it, and have examined and maturely considered the whole, and now beg leave to submit my observations for the information and guidance of His Excellency. This application is of a very novel nature, and in my opinion destitute of foundation both in law and equity:

In this Petition the Petitioners express their surprize as to a communication lately made to them by the Attorney General, stating that he had received instructions to institute an *Action en Bornage*.

There is no reason to found or express surprize on the subject, the Proprietors of *Mille Vaches* are not ignorant that their Seignior has no metes and boundaries to divide it from the King's Posts, and therefore that it becomes of absolute necessity, under existing circumstances, that proper metes and boundaries should be set, to put an end to the difficulties which have lately taken place between the lessee of the King's Posts, and the Hudson's Bay people, (lessees of *Mille Vaches*), the peace, welfare, and tranquility of both parties require,

it; by this operation nothing will be taken away from the Proprietors of *Mille Vaches*, who after proper investigation will retain, what of right belong to them; while if the matter stands as prayed for by them, part of the territory being disputed between the parties, evil consequences may ensue, and lives may be lost, which is for His Majesty's Government, a matter of much greater importance, than the expenses of a law suit *en bornage* can be.

With regard to the expenses incident to the proposed action, that is a matter for future consideration, and an appeal to the justice and equity of His Majesty's Government, at the present time altogether premature: it will be time enough, when the merits of the action has been tried and decided, to lay claims for indemnity, if by the result of judicial proceedings, it be ascertained that such proceedings have proved altogether unnecessary and without any foundation; but at the present time it is begging the question:—The principle of law, is that the action *de bornages* is of its nature imprescriptible, and always open to one neighbour against the other; as to the result of such an action whether the Court after consideration, will settle the metes and boundaries, according to title or provision, is a question of law, which none but a Court of law can decide:—

It is stated in this Petition that the Seigniorship of *Mille Vaches*, was originally granted to one Giffard, in 1653, under the following description, to wit; "Trois lieues de front, sur le fleuve St. Laurent du côté du nord, au-dessous de Tadoussac, et de grandes et petites Bergeronnes, au lieu dit *Mille Vaches*, avec quatre lieues tenant pardevant sur le dit fleuve et des autres côtés aux terres non concédées." (The King's Posts.) This description is in very vague and general terms, and the true point to ascertain, with a view to lay metes and boundaries is "*le lieu dit Mille Vaches*."

It is pretended, that a very few years after (1675,) this Seigniorship was regularly surveyed and bounded.

I have given every possible attention to the reading of this *Proces Verbal*, upon which so much stress is laid by Petitioners, and after due and proper consideration I am of opinion, it cannot preclude the Crown from the right of calling upon the Petitioners for a *bornage*; for this *Proces Verbal*, is of itself a perfect nullity;—I shall therefore assign the grounds upon which I entertain this opinion.

1st. The Crown was not a party to this *Proces Verbal*, and that alone is a conclusive answer to the Proprietors of *Mille Vaches*, for it is a principle well established in law, that both neighbours must be parties to an operation of this nature, where the interest of the Proprietors is so much involved.

2nd. This survey appears to have been an *ex parte* operation, made without any title being produced at the time, for none is mentioned in this *Proces Verbal* by the Surveyor.

3rd. Admitting this *Proces Verbal* to be valid, which I do not, it is no legal or perfect *bornage*, for, on reading it, it appears one boundary only was set on each side of *Baie de Mille Vaches*, along or near the River St. Lawrence, but no regular line was ever drawn, running the full depth of that Seigniorship or any other metes or boundaries set at the extremity of the four leagues; on the contrary, on referring to the *Proces Verbal* itself, it is only a partial "*bornage pour servir de marques de séparation et continuer quant beson sera*," in fact it would seem, the surveyor did not know at the time, what was the true depth of the Seigniorship, for he does not note it in his *Proces Verbal*: It is therefore in my opinion incorrect on the part of the Petitioners to assert, that the Seigniorship of *Mille Vaches* was regularly surveyed and bounded.

As to the recognition by successive Governments, before and since the conquest, of "this survey," there are no documents accompanying this petition to justify the assertion.—But even taking it for granted that it be so, still a more full and ample *bornage* is required, to verify if the two metes or boundaries set, as pretended in 1675, are still in existence, and to renew them if destroyed, and in either case to prolong the lines of *Mille Vaches*, from the River St. Lawrence on both sides, until the full depth (four leagues) at the extremity of which, metes and boundaries must also, of absolute necessity, be set.

The petition states, the property and right of the proprietors of *Mille Vaches* was never called in question until 1823.

This latter part of the petition is answered by the statement submitted by Mr. Lampron, in support of his petition on the subject of the King's Posts, wherein he states,

"This subject was never brought under the consideration of His Majesty's Government before now, for obvious reasons,—before the pending of the present case, or owners of that King's Posts, were either lessees of *Mille Vaches*, at the same time, or owners of that seigniorship, and holding both, excluded all questions of adverse interest; this accounts also, why a survey of *Mille Vaches* was never called for; how it happens that encroachments, unnoticed, had taken place on the domain lands, to the prejudice of the Crown, and by what means the post of Portneuf has been established, &c."

When the late Mr. Goudie, in 1823, took possession of the King's Posts, he laid claim to Portneuf, as within them; the law officers of the Crown reported favourably to Mr. Goudie's demand; so far I know personally, having myself signed the report; and it is equally true, the report in question was made, after a perusal of the grant of *Mille Vaches*, of 1653, but as to the *proces verbal* now produced of 1675, it was not exhibited by Mr. Goudie at the time,—however, had that document been shown to me, it would not have altered my opinion. As to what effect it might have had upon the late Attorney General, (now Mr. Justice Uniacke) I cannot say.—As to what the Governor in Chief (Lord Dalhousie) may have decided in the matter at the time, "upon the production of such titles, that the King's lessee had no right whatever, and that it would be unjust to require a survey, when the proprietors enjoyed it under one already in existence," is matter of fact

which had never before come to my knowledge, before reading the petition now referred to me, and in reference to which I can afford no correct information.
Upon the whole, however, I see nothing contained in the petition, or in the document which accompanies it, to cause the instructions given to the Attorney General and myself, on this subject, to be recalled; on the contrary, it is matter of justice to both parties, that proper metes and boundaries should be set, with as little delay as possible, so as to put an end to the acts of violence that have already been committed by the contending parties in this disputed territory; and the sooner the contemplated action *en bornage*, is decided in due course of law, the better, as well for the interest of the Crown as for the benefit of all concerned.

This Report humbly submitted,

I have the honor to be, Sir,

Your very obedient and humble Servant,

(Signed) G. VANFELSON,
Adv. General.

True Copy, J. B. GLEGG, *Secy.*

No. XXVIII.

Report by J. STUART, *Esq. Attorney General, to His Excellency the Governor in Chief, dated 19th February, 1831.*

[For this Report, vide No. XXV. in the preceding correspondence.]

No. XXIX.

Letter from G. VANFELSON, *Esqr. Advocate General to Lt. Col. Glegg, Secretary, &c.*

Quebec, 19th February, 1831.

SIR,

In obedience to His Excellency's commands, signified to the Attorney General and myself, by your official letter of the tenth instant, requiring the Attorney General and myself, jointly to report, weekly, that is to say, on every Saturday, beginning on Saturday the 12th instant, whether any and what progress has been made in the business of the suit "*en bornage*" of the Seigniory of "*Mille Vaches*" directed by your official letter of the 29th of December last, to be instituted on the part of the Crown.

I have the honor to report, that, since Saturday last, nothing has been done, which came to my knowledge, in the matter in question, further than being informed this morning, for the first time, on perusing the Attorney General's report of this day, sent me for signature, that he had on the 16th inst. instituted an action returnable on the 2d of April next. I have had no communication whatever with him, on the subject, previous to the receipt of his official report of this date, nor have I in any manner, or way, been spoken to, or consulted in the ease, by him, since my report of Saturday last.—Whether, therefore, the steps taken by the Attorney General alone, in this matter, are such as to give due effect to the instructions of His Excellency as stated in your official letter to the Attorney General, of the 29th December last, is more than I can pretend to say; the Attorney General not having given me an opportunity of judging for myself, as to the steps he states to have been taken in the matter in question.

I have the honor to be, Sir,

Your very obedient humble Servant,

(Signed) G. VANFELSON,
Adv. General.

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

True Copy, J. B. GLEGG, *Secy.*

No. XXX.

Letter from G. VANFELSON, Esqr. Advocate General to Lt. Col. GLEGG, Secy. &c.

Quebec, 26th February, 1831.

SIR,

In obedience to His Excellency's commands, signified to the Attorney General and myself, by your official letter of the 10th instant, requiring us, jointly, to report, weekly, that is to say, on every Saturday, beginning with Saturday the twelfth instant, whether any and what progress had been made in the business of the suit "*en bornage*" of the Seigniorship of "*Mille Vaches*", directed by your official letter, of the 29th December last, to be instituted on the part of the Crown; I have the honor to report, for His Lordship's information, that, since Saturday last, having made the proper enquiry at the offices of the Prothonotary and Sheriff, I find, on the 16th instant, the Attorney General sued out Process of the Court, against the co-proprietors of *Mille Vaches*, returnable on the second of April next, which Process has been placed, as it is usual, in the Sheriff's office, for the service thereof on the Defendants.—How, and by what means, the process in question will be legally served on the Defendants is a question, but which I presume will not arise in the case, from this circumstance, that it appears there is an understanding between the Attorney General and the Honorable John Stewart, acting for and on behalf of the proprietors, that an appearance will be fyled by Counsel for all the defendants, whether regularly served or not.

For the present, no further report can be made, on the subject, until Saturday the second of April next, the day on which the process is made returnable, in Court,—I shall, therefore, not trouble His Lordship on the matter, until then, except I receive His commands so to do.

This report is submitted by myself, without the participation of the Attorney General, he being absent from the district on public business.

This report humbly submitted.

I have the honor to be, Sir,

Your very obedt. humble servant,

(Signed) G. VANFELSON,
Adv. Genl.

Lieut. Col. Glegg, Civil Secretary.

True Copy, J. B. GLEGG, *Secy.*

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