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**REPORT AND EVIDENCE,**

**TAKEN BEFORE THE**

***SPECIAL COMMITTEE***

**OF THE**

***HOUSE OF ASSEMBLY OF LOWER-CANADA,***

**ON THE**

**PETITION OF W<sup>M</sup>. LAMPSON,**

**COMPLAINING OF THE DAMAGE THAT HE WILL SUSTAIN  
BY THE ERECTION OF A LIGHT-HOUSE AT**

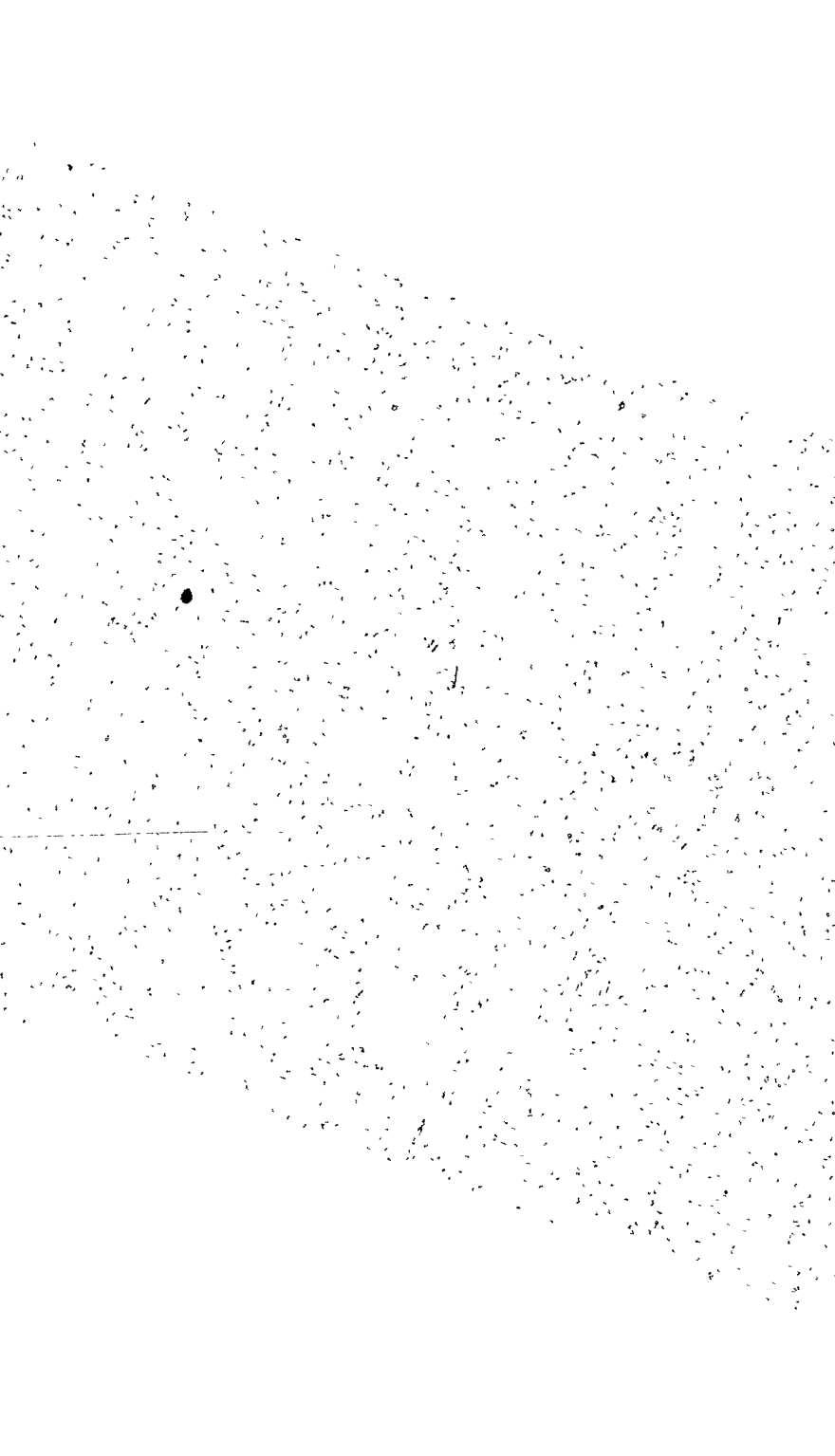
***POINTE DES MONTS.***

**1830.**

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**QUEBEC:—Printed by NEILSON & COWAN,**

***No. 3, Mountain Street.***



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HOUSE OF ASSEMBLY;

*Wednesday, 3rd February 1830.*

*Resolved,* That the Petition of William Lampson, be referred to a Committee of five Members, to examine the contents thereof and to report thereon with all convenient speed, with power to send for persons, papers and records.

*Ordered,* That Mr. Neilson, Mr. Duval, Mr. Laterrière, Mr. Viger and Mr. Tremain do compose the said Committee.

Attest.  
(Signed) W. B. LINDSAY,  
Clk. Assy.

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HOUSE OF ASSEMBLY,  
COMMITTEE ROOM.

*Tuesday, 9th Feby. 1830.*

In Committee on the Petition of William Lampson.

PRESENT :—Messrs. Neilson, Viger, Laterrière, Tremain and Duval.

Mr. Neilson called to the Chair.

Read the Order of Reference and the Petition.

Mr. Neilson moved that Mr. Lampson be called before the Committee to-morrow at ten o'Clock.

The Committee divided :

Yeas 3

Nays 2

Adjourned till to-morrow at ten o'Clock, A. M.

*Friday*

*Friday, 12th February 1830.*

PRESENT :—Messrs. Neilson, Viger, Laterrière and Duval.

Mr. Neilson in the Chair.

Mr. William Lampfon was called in and examined.

Q. You are the present Tenant of the King's Posts on the North Shore below Quebec?

A. Yes; I had the lease from Mr. McDouall. I have a transfer of the original lease to the late Mr. Goudie who transferred to Mr. McDouall and others.

Q. Have you ever been recognised by government as the Lessee?

A. Yes; they have received the rent from me for the last two years at twelve hundred Pounds per annum.

Q. You complain of injuries done you as Lessee under the authority of the Legislature and the Government, what are they?

A. I complain;—

1<sup>o</sup> That a light House is erected within the limits of my Lease.

2<sup>o</sup> That the Persons employed or resorting to the place for erecting the Light-House, trade with the Indians in contravention to my exclusive privilege.

3<sup>o</sup> That the dangers to the trade occasioned by the resort of these persons to the said place, has actually compelled me to employ an additional Person to watch them, at the rate of one hundred Pounds per annum.

Q. Have you detected any of them?

A. We missed some Furs last summer and fall, but no individual has been detected in that neighbourhood; they have a pretext to hover thereabout, being employed at the Light-House, and being there they feel themselves protected.

Q. You state in the Petition that you have suffered in your exclusive right of fishing, by the seals being driven from Cap des Monts

**Q.** Monts, by the presence of people employed about the Light-House, is that the case?

**A.** The seal fishing is during the winter season, and no winter has intervened since the people were employed about the Light-House; I spoke of the injury that I will suffer.

**Q.** Upon what grounds do you suppose that you will suffer such injury?

**A.** I know that the erection of a Light-house will entirely destroy the Seal Fishing there.

**Q.** Why will it destroy it?

**A.** These animals will not frequent any place where there is a smoke or buildings erected.

**Q.** What has been the annual profit of the Seal Fishing there?

**A.** I think I may safely say Three hundred pounds.

**Q.** Is it probable if the Seals are driven from Cape des Monts they will not resort to some other places within your exclusive privilege?

**A.** It is not at all probable: there is not within our limits another place which is convenient for the resort of Seals; we have another place to which the Seals resort, about forty leagues above Cape des Monts; these two places are the only ones; they are points of rocks where the ice breaks off every tide, and leaves the shore naked for the Seals to come out and sun themselves.

**Q.** And are there no other such points where the Seals resort within your limits?

**A.** None that I am aware of, nor do I know of any fishing for Seals being established in any other part within the King's Posts.

**Q.** Have you any other complaints on the subject of the erection of the Light-house.

**A.** Yes; the great liability that there is of the people employed there setting fire to the woods when employed in cutting and bringing timber and fire-wood. Some years ago a fire occasioned by persons frequenting near the Seven Islands, spread over about a hundred leagues of country, destroying all timber and the wild animals, where skins form a principal article of the traffic for which

which I hold a lease. The Indians have expressed to me personally their apprehensions that the introduction of other whites will injure their hunting grounds. They have told me since the commencement of the erection of the Light-house, and that after deliberation in council, that seeing other whites could remain within the limits of my lease, they felt that they were no longer held to an exclusive-trade with me.

Q. What is the capital actually employed by you in the business of the King's Posts?

A. About forty thousand Pounds.

Q. How many hands do you employ in the summer season.

A. About two hundred and sixty. In the winter from sixty to seventy.

Q. How many Vessels?

A. Three Schooners and about twenty five or thirty Boats.

Q. In what is the capital invested?

A. Vessels, boats, canoes, crafts, fishing apparatus, kettles, furniture and goods for the Indian-trade for which there are ten Stores within the limits; viz: Seven Islands, River Mersey, Goudebout, Jérémie, Tadoufac, Chicoutimi, Chepshaw, Lake St. John, Affouapmousoin, Ouiaguathuan.

Q. What number of Indians do you suppose there are in the whole territory within the limits of the Posts?

A. I should think probably between twelve or fifteen hundred souls.

Q. Have you applied to the Government on the alledged injury sustained or likely to be sustained by you in consequence of the erection of the Light-House?

A. I have, in a memorial to the Governor; I objected to the erection of the Light-House within the limits of my lease; he submitted it to the Attorney General whose opinion was transmitted to me in writing. I again memorialized the Governor to allow me to build and light the Light-House during my lease; offering to do it at five per cent less than the offer which might be made by any other persons, this was referred to the Trinity House; the answer was that they could not accede to my proposal.

Have

Q. Have you ever taken legal advice as to your recourse against Government ?

A. Never, my own opinion was that I had no recourse, but by petition to the Legislature ; and the usual approbation was obtained from the Governor.

Q. Will you give in copies of the Proclamation you refer to in your petition, with the copies of your lease, your memorial and letter to His Excellency the Governor, and the answers you received, and from the Trinity Board ?

Yes, I now deliver them.

Adjourned to the call of the chair.

*Saturday, 15th February, 1830.*

PRESENT :—Messrs. Neilson, Duval and Viger.

Mr. Neilson in the Chair.

Mr. Francois Bélanger, of St. Thomas, Tanner, appeared before the Committee and was examined :

Q. Have you frequented for a long while the King's Posts, below Quebec ?

A. I have lived there twenty seven years.

Q. Did you trade with the Indians ?

A. Yes, I was a Clerk to the Company, at first for Mr. Peter Stewart, and afterwards for the North West Company.

Q. Did you serve as a Clerk in different parts of the Posts ?

A. No, I have been only at the Post Goudebout, two leagues this side of Cap des Monts, I left there four years ago.

Q. Have you any business or interest in the Post now ?

A. None at all.

Q. You have no interest with Mr. Lampson ?

A. None.

Q.



Q. What kind of trade was carried on then at the Post Goude-  
bout ?

A. The trade with the Indians.

Q. Did a great many Indians resort thither.

A. Sometimes about thirty families.

Q. Was there a seal hunting taking place at Cape des Monts ?

A. Yes.

Q. What quantity of oil was made in the course of one year ?

A. From fifty to sixty hogheads.

Q. What price was that Oil sold there ?

A. From thirty to sixty Dollars a hoghead, varying yearly.

Q. What profit was afforded by that Oil ?

A. We bought it from the Indians, we paid first one shilling for a measure of two gallons and a half; twenty-five of those measures filled a hoghead, and besides that, we supplied the Indians with provisions, drinking and implements as long as the hunting lasted.

Q. How long did the hunting last ?

A. It began in the Fall about the month of October, and ceased in April.

Q. How many people were employed in it ?

A. Twenty five families, consisting each of three or four individuals.

Q. What do you think was the value of what you gave them each day without getting paid for ?

A. About one shilling a day each individual, and often more than that.

Q. Do you believe that the erection of a Light House at Cap des Monts would be injurious to that hunting ?

A. I do.

Q. Is it true that fire and smoke drive the Seals from the place they frequent ?

A. Yes, assuredly, it is a remark made by the Indians, who erect

erect their huts three or four acres in the interior of the woods, so that their fire may not be seen by the seals; the Indians hunt them only by day light in order that the flash of their guns be not seen by the seals.

Q. Are there several places in the King's Posts resorted to by Seals, so as to afford an opportunity of hunting them?

A. There are three places, but that at Cape des Monts is the best, the other places are the seven Islands and Bon Désir, each of the two last places may produce about half the quantity of oil made at Cape des Monts. Formerly Bon Désir was as important as Cape des Monts, but it has decreased by being so much frequented by Pilot Boats.

Q. Do you think that the Indians will be inclined to resort to the Light House at Cape des Monts, to trade with the persons employed there?

A. Yes; they would be very glad of the occasion, they are ever indebted, and are very anxious to trade with people to whom they owe nothing.

Q. Is it an absolute necessity that advances be made to the Indians to enable them to go a hunting?

A. Yes, otherwise they would not be able to go.

Q. They are very poor then?

A. They are ever in debt; however they are always well provided with the necessaries of life by means of those advances.

Q. Suppose the trade with the Indians were to become free for every body, what do you think would be the result?

A. I think they would be annihilated in a short time; the thing happened in the Posts of Labrador, every body went there, liquors were given to the Indians and they perished, and the few who remained have all come to the King's Posts.

Q. How many Indians do you think there are now at the King's Posts?

A. I cannot say; I think there are at most one thousand or twelve hundred of them.

Q. What kind of people are those Indians?

A. They are uncommonly good people, and generally honest, but

but they are anxious to trade with every body and are easily deceived.

Q. Are they inclined to drunkenness?

A. Yes, whenever they can procure liquors; there are some exceptions.

Q. From the knowledge you have of the Indians and the Posts, do you think that if you were the Lessee of the Posts, the erection of a Light House at Cape des Monts would be injurious to your interest?

A. At the time I lived there I would not have had one in my neighbourhood for two hundred pounds, for I am aware that I should have lost more than that sum.

Adjourned to the call of the Chair.

*Tuesday, 16th February, 1830.*

PRESENT:—Messrs. Neilson, Viger, and Duval.

Mr. Neilson in the Chair.

David Stewart, Esquire, was called in and examined:

Q. It is understood that you have long resided in the Country included in the limits of the Lessee of the King's Posts, and have been acquainted with the nature of the trade carried on there?

A. I resided there six years; I had the charge of the trade during the two first years.

Q. Are you of opinion that the erection of a Light House at Point des Monts would be injurious to the trade carried on by the Lessee?

A. Yes, in several ways.

Q. In what particular ways?

A. First; Point des Monts is in the resort of the Indians for hunting Seals during part of the summer season, and the Seals are of that nature that their scent is equally acute with that of Deer, and by there being an establishment they will leave that resort.

Q.

Q. Would not they go to some other place within the limits of the Post?

A. They might, but the Indians would not go after them. I would willingly engage to light the Light House as completely as any other in the River for nothing, merely on account of the chance that I would have of trading with the Indians, who will very generally resort there in consequence of the establishment.

Q. If the lease of the King's Posts were now to be sold, how much less would you give for it in consequence of the Light House being established at Point des Monts?

A. I would give five hundred Pounds less for it.

Q. Would there be no possibility of preventing the persons resorting to the Light House from trading with the Indians?

A. I think not; it would be a haunt for pilots and a pretext for hovering near the coast there for all manner of persons. The Indians from mere curiosity and expectation of rum, will resort there and neglect their hunting, which will be also a loss to the Lessee.

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*Friday, 19th February 1830.*

PRESENT:—Messrs. Viger, Duval, Neilson, Laterrière, and Tremain.

Mr. Neilson in the Chair.

The Chairman proposed the following Report:—

Your Committee having considered the allegations of the Petitioner and the evidence, and the opinion given by Mr. Bélanger and David Stewart, Esquire, two disinterested gentlemen examined before your Committee, and well acquainted with the King's Posts, the character of the Indians and the nature of the trade carried on with them, are of opinion:

1<sup>o</sup>. That injury has already resulted to the Petitioner as Lessee to the King's Posts, in consequence of the commencement of the erection of a Light House at *Pointe des Monts*.

That

That the erection of the said Light House will hereafter be fe-  
rjously injurious to the interest of the Lessee, during the continu-  
ance of his exclusive privilege.

Your Committee can have no doubt of the right of the Sovereign  
and the Legislature to erect Light Houses wherever it may be found  
necessary, but they conceive that if any injury is occasioned there-  
by to an individual holding rights previously guaranteed by the  
government, that individual is equitably entitled to have his case  
considered with a view to allowing him a suitable indemnity.

The exclusive trade of the King's Posts has been let out by the  
Government of Canada from the time of the first settlement down  
to the present day, and the erection of Light Houses within the  
limits could hardly be contemplated when the Petitioner purchased  
the lease.

How far the exclusion of the trade and industry of His Ma-  
jesty's subjects from the vast extent of coast and territory included  
in the said lease is expedient or lawful, your Committee does not  
conceive themselves called upon to give an opinion.

Your Committee would recommend that the claims of the Pe-  
titioner should be submitted to two arbitrators to be named, one  
by himself and one by the Governor, with power to call in a third,  
with a view to ascertain the real extent of the injury to the Pe-  
titioner and the amount of an equitable indemnity.

Your committee conceive however that the most advantageous  
arrangement for the Province, would be one whereby the Lessee  
should relinquish his lease which will expire in the year 1842,  
with a view of throwing open the Territory to the trade & industry  
of all His Majesty's subjects.

And the question being put, the Committee divided :

Yeas 3

Nays 2

*Ordered*, That the Chairman leave the Chair & report.

All which is nevertheless humbly submitted.

J. NEILSON,  
Chairman.