

GOVERNMENTAL RECORDS. Volume 4.  
"Form Book: samples for judicial forms"





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de Montréal

Fondée le 11 avril 1858,

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Conformable to any pattern,

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By  
E. C. TUTTLE,

St Paul Street,

MONTREAL.

Corner St. J. Montreal.



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Montreal  
1<sup>st</sup> July, 1840



Province of Lower Canada

District of Montreal.

A. B. of the City of Montreal, Merchant, maketh oath and saith that C. D. of the said City of Montreal, Merchant is personally indebted to this Deponent in a sum exceeding ten pounds hold to bail sterling, to wit in the sum of one hundred pounds current money of the said Province of Lower Canada, for &c.

And this Deponent further saith that the said C. D. is, as this Deponent is credibly informed, hath reason to believe, & doth verily and in his conscience believe, immediately about to leave this Province of Lower Canada, whereby, without the benefit of a *habeas ad Respondendum*, or attachment against the body of the said C. D. he the said A. B. may be deprived of his remedy against the said C. D.

Sworn before me this first day  
of July 1840.

George Pyke J.R.S.

Province of Lower Canada

District of Montreal.

William Finsworth of the City of Montreal, Gentleman, maketh oath and saith that ~~he~~ he was present and did see James Green, Esquire, of the City of Montreal, in the said Province, the ~~due~~ *due* execution of a power of Attorney, sign, seal, and as his own act and deed deliver the said power of Attorney; and that the signature "James Green" subscribed and set opposite the seal thereof is of the proper hand writing of the said James Green, and that the signatures of this Deponent and Henry Black subscribed as witnesses to the due execution thereof are of the Deponent's and the said Henry Black's proper hand writing.

Sworn before me at the City  
of Montreal this second day  
of July 1840.

Sam. Gale  
J.R.S.

William Finsworth



Province of Lower Canada  
District of Montreal.

Hugh Taylor of the City of Montreal, in the District of Montreal, Merchant, having been duly sworn deposeseth and saith that Robert Easton is justly and truly indebted to this Deponent in a sum exceeding ten pounds sterling, to wit in the sum of twenty five pounds current money of the Province of Lower Canada being for &c.

And the Deponent further saith that the said Robert Easton doth abscond, (or if the case be so is about to abscond) with an intent to defraud his creditors.

And the said Hugh Taylor further saith that he doth verily believe that he shall lose his aforesaid debt or sustain damage without the benefit of a writ of Attachment to attach the estate and effects of the said Robert Easton.

Sworn before me at Montreal  
this second day of July 1840.  
J. M. HOLLAND J. M. B.

Hugh Taylor

Province of Lower Canada  
District of Montreal.

James Frazer. Plaintiff  
Thomas Ross. Defendant

The above named James Frazer the Plaintiff in the said cause having been duly sworn deposeseth and saith that the said Thomas Ross the Defendant in the said cause is personally indebted to him the Deponent in a sum exceeding ten pounds sterling to wit in the sum of one hundred pounds current money of the said Province of Lower Canada, for &c, which is the same cause of action in the Declaration in the said cause filed set forth and contained. And the Deponent further saith that the said James Frazer is immediately about to leave this Province whereby he the Deponent may be deprived of his remedy against the said Thomas Ross.

Sworn before me at Montreal  
this second day of July 1840.  
George Dyke  
J. M. B.

James Frazer



Province of Lower Canada  
District of Montreal.

In the King's Bench.

Thomas Dunbar

Affidavit to obtain the execution of

James Scott

Thomas Dunbar the above named Plaintiff being duly sworn witness about maketh oath and saith, that William Lane is a material witness for the said Plaintiff in the said cause, and that the said William Lane is immediately about to depart the Province by which means he the said Plaintiff may be deprived of his testimony.

Sworn before me at the City of Montreal, this third day of July 1840.

Thomas Dunbar

Saml. Gale J. N. B. vide page for petition

Province of Lower Canada  
District of Montreal.

A. B. of the City of Montreal, Merchant, maketh oath and saith that C. D. of the said City of Montreal, Merchant, is personally indebted to him the said A. B. in a sum exceeding ten pounds

Affidavit to sterling, to wit, in the sum of one hundred pounds current money obtain a writ of this Province, for &c. /state cause of debt. /

And the said A. B. further saith that the said C. D., being, 27. Geo. III. c. /as the Deponent is credibly informed, hath reason to believe & doth verily and in his conscience believe /insolvent, and unable to pay his just debts hath lately caused to be sold at auction, /or otherwise as the case is / his stock in trade, without notifying his Creditors thereof, and hath not paid with the proceeds

thereof the said debt so due by him to the said A. B. or any part of the said debt. And further that the said Deponent

doth verily and in his conscience believe, that the said C. D. is about to secrete his estate, debts and effects with an intent to defraud his Creditors. And the said Deponent further saith, that he doth verily believe that he the said Deponent shall lose his aforesaid debt or sustain damage without the benefit of a writ of Attachment for attaching the estate, debts and effects of the said C. D.

Sworn before me &c

A. B.



Province of Lower Canada

District of Montreal.

I J. of the City of Montreal, in the District of Montreal, being duly sworn deposes and saith that on the Affidavit of first day of August, instant, at the said City of Montreal, he service of a writ of Appeal did personally serve the foregoing writ of Appeal on A.S. in the said writ of Appeal named, by exhibiting to him the said writ of Appeal and at the same time delivering to him the said A.S. a true and exact copy of the said writ and the Deponent further saith that he did also then and there serve him the said A.S. with the notices, whereof true and exact copies are hereunto annexed, by delivering the said notice to the said A.S.

Sworn before me this tenth day of August, 1840.

J.P.

Kingslow, 10 Nov. 1842.

Sir,

In obedience to the Commands of His Excellency the Governor General, with which I have been honoured, I have perused the Petition of Donald Fraser of the Report on Port City of Quebec, Merchant, praying for a Registry for Registry de Navire for the Barque Danffshire; and I have Navire for a Ship the honor to report that having examined the Brig le documente produced by the Petitioner, I am humbly of opinion that there exist no objection to the prayer of the Petition being granted.

I have perused an act intituled, (Title) which has been Report passed by the Legislative Council and Assembly of this on an act to Province, and I am humbly of opinion that there exists no objection in point of Law to the same receiving His sanction.



Province of Canada.

Whereas it appears by an inquisition lately had according to law at the Parish of S. Mathias in the D<sup>o</sup> of M<sup>o</sup>. Proclamation view of the body of a person unknown found in the Murder. Waters of the River Richelieu, near the Parish aforesaid, A. Buchanan that the said Person had been put to death by violent and cruel means the perpetrators of such crime being undiscovered; And whereas for the ends of Justice it is most expedient and necessary that the Perpetrator of an act so atrocious and alarming in its Character should not escape unpunished. — Now Know Ye that a Reward of One hundred pounds of lawful money of Our Province of Canada will be paid to any Person or Persons giving such information as will lead to the discovery and conviction of the Perpetrator or Perpetrators of the above Crime, and a free pardon will also be granted to any accomplice therein giving such information or evidence, not being a Principal in the Felony committed on the said Occasion.

In Testimony to  
Witness Ie

Province of Canada

Victoria R. To all Ye.

Whereas A. B. C. D. & E. Commissioners under and by virtue of Proclamation of an Ordinance of the Governor of the late Province of L. C. erection of and of the Special Council for the affairs thereof, passed in Parish in the second year of our Reign, and intitled, "An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Churchyards" were nominated and appointed Commissioners for the purposes thereof within the District of Quebec. And whereas the said A. B. C. D. & E. as such Commissioners as aforesaid have under and by virtue of the provisions contained as well in the said Ordinance, as in a certain other Ordinance of the Governor by and with the advice and consent of the Special Council passed in the fourth year of our Reign, intitled "An Ordinance to extend the provisions of a certain Ordinance concerning the erection of Parishes for Civil purposes



to Parishes canonically erected before the passing of the said Ordinance made to the Governor of our said Province a return of their opinions with a Process Verbal of their proceedings by which they describe and declare the limits and boundaries which they think most expedient to be assigned to the Parish of St Denis in the County of D. in the D of Q. in effect as follows: That is to say; The said Parish of St Denis shall comprise an extent of Territory of about (description). — Now Know Ye that Whereas the A.C. Sir C.B. by virtue of the Ordinances above mentioned and of an act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the Session held in the third and fourth years of our Reign, and intitled, "An act to unite the Provinces of Upper and Lower Canada and for the Government of Canada," hath thought fit to issue this Proclamation, and doth by these presents confirm and establish the aforesaid limits & boundaries to be and remain those of the Parish of St Denis, and hath made, ordained, constituted, erected and declared and by these our Royal Letters Patent doth make Ordain, constitute, erect and declare the said Parish of St Denis to be a Parish for all Civil purposes agreeably to the provisions of the aforesaid Ordinances.

In Testimony,

Governor of Canada

His Excellency,

To the Right Reverend Father in God, Schœnsholtz, by divine permission Lord Bishop of Montreal; — To his Vicar General or Spiritual, or to any other person or persons, bearing or to have sufficient authority in that behalf.

Instrument appo.  
The Reverend  
C.B. to the Rec-  
tory of St. Johns

Whereas the Rectory and Parish of St. Johns in your Lordship's diocese of Montreal is now vacant by the death of William Devereux Baldwin, Clerk, the late incumbent thereof. It is known therefore to your Lordship that I the said Sir Charles Bagot, &c, &c, in the name and for and on the behalf of Her Majesty, our Sovereign Lady the Queen, the true and undoubted Partor of the said Rectory do present to your Lordship and to the Rectory and Parish Church of St. Johns aforesaid, now void as aforesaid, and to Her Majesty's Presentation in full right belonging my beloved in Christ

The



The Reverend A.B. Clarke, hereby requesting and in Her Majesty's name requiring that your Lordship will be pleased to admit and canonically to institute him the said A.B. to the Rectory and Parish Church of St. Johns aforesaid, and to invest him the said A.B. with all and singular the rights, members and appurtenances to the same belonging, to cause him to be inducted into the real, actual and corporal possession thereof, and do all other things which to your pastoral office may in this case appertain or belong

Thurs. 10

Province of Canada 23

His Excellency 10

To the Judges and Justices, Officers and Ministers of Justice, and all other persons whom these presents may concern. Greeting.

Whereas A.B. of St. Clarke, hath by his Petition represented authorizing to me that he is a Wesleyan Methodist Minister or Preacher in A.B. to keep connection with the Society of Great Britain known as the Congregationalists, friends of the People called Methodists, and that he is duly recognized as being such Minister or Preacher and hath prayed that I should grant to him my licence under my hand and seal authorized and empowering him the said A.B. to have and keep Registers of Marriages, Baptisms and Burials within that part of the said Province of Canada which formerly constituted the Province of Lower Canada, according to the laws of the aforesaid part of the said Province; and whereas the said Petition is accompanied by all and singular the Certificates in that behalf by law required, and it seems fit that the prayer of the said Petition should be granted. - Know Ye that I do by these presents in virtue of the power in me vested by the seventy sixth Chapter of the Statute passed in the Parliament of the aforesaid part of the said Province in the ninth and tenth years of the reign of His late Majesty King George the Fourth licence and authorize the said A.B. being such Wesleyan Minister or Preacher as aforesaid to have and keep Registers of Baptisms, marriages, and Burials within the aforesaid part of our said P. Conformably to the provisions and requirements of the said Statute and according to the Statutes and laws of the aforesaid part of the said Province.

Archives de la Ville de Montréal  
Gren 10



Province of Canada,

Victoria &c

To the Justice of Our Court of Kings Bench for  
Our District of Montreal.

Letter Patent  
de Serrier for  
the Seigneurie  
of A.

Whereas it hath been humbly represented unto Us by Our  
faithful and loving Subject A. B. Seigneur and Proprietor of the  
Seigneurie of C. in the D. of M. by his Petition in this behalf, that  
by reason of the said Fief and Seigneurie of C. whereof they are law-  
fully seized and possessed he the said A. B. is legally vested  
with and entitled to divers Feudal and Seigneurial rights, services  
due and duties secured, due, owing and payable from and  
out of the said Fief and Seigneurie whereof he is seized and possessed  
as aforesaid, by the Vassals, Tenants, Censitaires, and occupiers  
of lands and tenements therein, and among these to fealty  
and homage, droit de quint, cens et rentes, loets & brates  
and other rights due and duties in respect of which they are  
liable to loss, diminution and injury for want of a land Noble,  
Femar or Papier Terrier of and for the said Fief and Seigneurie  
whereof they are seized and possessed as aforesaid, and the said  
A. B. has therefore by his said Petition prayed that We would be  
pleased to grant him Our Letter Patent which in this behalf are  
necessary. Now Know Ye that in consideration of the premises  
and in order to maintain the said A. B. in such legal rights as by  
law he may have or be entitled to in, upon, and out of the  
said fief and seigneurie; We of Our special grace, certain knowledge  
and mere motion have assigned, authorized and required, and  
by these presents do assign, authorize and require you or any two  
of you that at the instance of the said A. B. you or any two  
of you do enjoin and Command in such form as may be  
usual and may serve to convey due notice to the Persons  
concerned, all and every the Vassals, Serjees, Tenants, Censitaires,  
and persons holding, seized or possessed as owners of and in  
lands and tenements within the said Fief and Seigneurie of  
A, subject and liable to such Feudal and Seigneurial rights  
due and duties as aforesaid, that they do appear before such  
Public Notary as by you or any two of you may be appointed  
in this behalf, at some certain time and place in the said  
Fief and Seigneurie and before such Notary render fealty and  
homage for and in respect of the said Fiefs by them held



of the said Fief and Seigniorie of A, and make and deliver  
un case et denombrement, containing a description in detail  
of the said Fiefs with their names, boundaries and abutments  
to be signed by them and the said Notary, and also by the  
Vassals, Vassals, Tenants and persons aforesaid.

That they do also declare, designate and point out the lands  
and tenements by them held within the said Fief & Seigniorie,  
"a titre de cens" and other Seigniorial rights to which the same  
are subject or liable, that they do acknowledge the same  
and make and deliver in the form required by law a true  
and faithful declaration of the extent, boundaries, rents,  
charges, dues and duties of and upon the said lands and  
tenements whereof they are or may be respectively seized  
and that they do pay and satisfy all feudal and Seig-  
niorial rights, dues and duties accrued thereupon, and  
exhibit the Titles by which they respectively hold the  
said Fiefs, lands and Tenements in order that a  
Lance Role or Papier Terrier thereof may be made in  
the usual and accustomed manner, and in all cases  
of refusal or neglect to yield obedience in the premises,  
We do will and require due regard being had to Our  
Royal Prerogative, and just and legal rights, that  
the person and persons so refusing and neglecting be summoned  
before you or any two of you, to the said that thereupon you  
may do or cause to be done what to right and justice  
shall appertain. And we do further assign will and require  
you or any two of you to do and execute or cause to be  
done and executed all other matters and things appertaining  
to your Office as Justices of Our Court of Kings Bench  
for Our said L of M that may lawfully be done for the  
better and more perfect making and completing of a true  
and exact Lance Role or Papier Terrier of the said Fief  
and Seigniorie of A, whereof the said A B is seized and possessed  
in the form required by law.

In Testimony &c

and all  
the  
documents



Province of Canada

Victoria, 10

To all, 10

letters Patent Whereas it hath been humbly represented unto us by the Mar-  
chandisesment guilders of the Oeuvre and Fabrique of the Parish of Notre  
in favor of the Dame of Montreal, by their Petition bearing date at the  
Oeuvre and day of 1841; that it would be highly advantageous to the  
Fabrique of the said Fabrique to sell and alienate two certain pieces or parcels  
Parish of Notre of land situated being in the City of Montreal ~~bounded des~~  
Dame of M<sup>rs</sup> called as follows (that is to say / description /; and in the  
place and street thereof to possess and hold a certain lot of  
ground situated in the City of M<sup>rs</sup> aforesaid, which said lots  
of ground are hereinafter more particularly described. Wherefore  
the said Petitioners by their said Petition have humbly requested us  
to grant unto them our Royal licence and permission to sell and  
alienate the said two pieces or parcels of land hereinafore first  
mentioned and described, and to acquire and hold the said  
two last mentioned lots of ground to the use of the said  
Fabrique for the purposes aforesaid in mortmain forever. Now  
know ye that we of our especial grace, certain knowledge and  
mere motion have authorized and hereby do authorize the said  
Marguilliers of the Oeuvre and Fabrique of the Parish of Notre Dame  
of Montreal as aforesaid to sell and alienate the said two  
pieces or parcels of land hereinafore firstly mentioned and  
described and to acquire and take from the Gentlemen Ec-  
clesiastics of the Seminary of St. Sulpice of Montreal / which  
the said Gentlemen Ecclesiastics are hereby specially authorized  
to make and execute / by deed of bargain and sale, Donation,  
Exchange, or by any other conveyance whatsoever / and to have  
and hold the said lot of ground / description /.

And we have given, granted, and by these presents do give,  
grant and confirm unto the said Oeuvre and Fabrique, our  
Royal licence and permission, with full authority to have  
and hold the said last mentioned lots of ground in mortmain  
forever.

In Testimony &c



Province of Canada

Victoria 10

To A.D. Greeting

Know Ye that having full confidence in your Loyalty, integrity and ability, We have constituted and appointed and by these Our Royal Letters Patent do constitute and appoint you to be Judge of the Inferior Commission District of C. in that part of Our said P of C. which Dist. Judge heretofore constituted the J of L.C. under and subject to the L.C. provisions of an act of the Parliament of Our said P of C. passed in the Session held in the fourth and fifth years of Our Reign, and intitled, "An act to provide for the more easy and expeditious administration of Justice in Civil Causes and matters involving small pecuniary value in that part of this Province heretofore Lower Canada"; Do have and to hold unto you the said A.D. the said Office of District Judge of the said Inferior District of C. together with all the rights, powers, authority and emoluments which to the said Office may of right and by law appertain during Our Royal Pleasure

In Testimony to

Province of Canada

By His Ex 10

To C. D. of the City of Greeting

Whereas by a certain Commission under the great Seal of the said P of Commission C. bearing date at 10, Her Majesty did appoint A.D. Esquire to be Judge of the Inferior District of C. in that part of the said P. formerly L.C. the D of C. And whereas I am informed that the said A.D. is to be unavoidably absent from the said District for some time to come. Know Ye therefore that relying most and confidenced in the Loyalty, ability, and integrity of you the said C. D. I have appointed and by these presents do appoint you the said C. D. Deputy Judge of the District Court in the said Inferior District of C. in conformity to the Provincial Statute in that behalf made and provided. Do have and to hold the said Office for such time as the said A.D. may be so absent, and further during pleasure, and only according to Law, with all the powers, authority, Jurisdiction, rights and privileges to the said Office of Deputy Judge appertaining



Province of Canada

By A B of 10 — Judge of the Superior District of  
 P. C. D. of 10 — Meeting.

Whereas by an Instrument under the Great Seal of This P. bearing  
 date 10, 10, the said A.B. have been appointed Judge of the Superior

Commissioner of the District of C.  
 Judge of the District of C.

And whereas I am to be unavoidably absent from the said  
 District for some time to come. — Know Ye therefore that I  
 have appointed and do by these presents appoint you the said  
 A.B. to be Deputy Judge of the Division Court in the said Superior  
 District of C. from the date of these presents from the date of  
 these presents, until the same are revoked or otherwise determined  
 according to law. — Do have and to hold the said Office unto  
 you the said C.D. so long as I am unavoidably absent as  
 a<sup>d</sup> together with all the rights, profits, privileges and advan-  
 tages to the said Office appertaining —

Given 10

Province of Canada

Victoria 10

To all 10

Know Ye that reposing special Trust and Confidence in the  
 loyalty, integrity and ability of Our trusty and well beloved  
 Com<sup>o</sup> A.B. of 10. We have nominated, constituted and appointed,  
 Com<sup>o</sup> C.D. and by these presents do nominate, constitute and appoint  
 him the said A.B. to be Our Commissioner of Crown Lands in  
 Our Province of Canada, — To have and to hold, exercise  
 and enjoy the said Office during Our will and pleasure and  
 his residence in Our said Province; and that he execute  
 the said Office in his own person except in case of sickness  
 or other incapacity, hereby giving and granting unto the  
 said A.B. full power and authority to do, perform and  
 execute all such acts, matters and things as may be  
 necessary in the due execution of the said Office; —  
 And we do will and require and Command the said  
 Augustin Herbert Morris to follow such orders as he  
 may receive from Us or from the Commissioners of Our  
 Treasury, or Our High Treasurer for the time being, or  
 from any one of our Principal Secretaries of State,



or the Governor or Officer Administering the Government  
of Our said Province for the time being  
In Testimony to  
Witness etc

Province of Canada

Victoria, etc

To all, etc

Commission  
Ex. Councillor  
last  
Augustus Norbert  
Morin

Know Ye that We being well satisfied of the Loyalty,  
integrity and ability of Our trusty and well beloved, A.B.,  
have thought fit to admit and appoint and by these  
presents do admit and appoint him the said A.B. to be  
one of the Members of Our Executive Council for the  
affairs of Our said Province of Canada. To have  
and to hold unto him the said A.B. the said office of  
Member of Our said Council of Our said Province, with all  
and singular the rights and privileges therunto appertaining  
or in any wise belonging for and during Our Royal Pleasure.  
And Our Royal Will and Pleasure further is that to the  
said A.B. after taking and subscribing the oaths by law  
required to be taken in that behalf, do and shall take  
his seat at the Board of Our said Executive Council  
accordingly, as a Member thereof as aforesaid, and  
do and shall during the continuance of this Our Commission  
have rank and precedence within Our said E.C. next after  
The Hon. C. D.

In Testimony to

Province of Canada

Victoria, etc

To all, etc

Revocation  
of Letters  
Patent

Whereas in and by Our certain Letters Patent under the  
Great Seal of Our said Province bearing date etc etc, We were  
graciously pleased to appoint Our beloved and faithful  
A.B. to be etc etc, with all and every the rights, powers,  
authorities, privileges, advantages and emoluments therunto  
belonging or in any wise appertaining unto him the said  
A.B. during Our Royal Pleasure.

the



the said A/B hath signified to Us his desire to resign the trust and powers conferred upon him by the said Letters Patent. Now therefore Know Ye that We have thought fit to determine the said Letters Patent in so far as the same relate to or concern the said A/B, and We do hereby revoke the said Letters Patent and all and singular the powers and authorities whatsoever which by the said Letters Patent bearing date as aforesaid We assigned to the said A/B to do, and execute, exercise.

In Testimony &c

Province of Canada

Victoria, 10

To all, &c

Commission Know Ye that reposing trust and confidence in the loyalty, integrity and ability of our beloved and faithful Collector of Customs. <sup>S<sup>r</sup></sup> William Macrae residing at S<sup>t</sup>. Johns, in the County of Chambly, Esquire, We have constituted & appointed and by these presents do constitute and appoint the said Mr. Macrae to be Collector of our Customs at the Port of S<sup>t</sup>. Johns in our P<sup>ro</sup> V<sup>ice</sup> R<sup>oyale</sup> with full power and authority to do and perform all such acts, matters and things as may be necessary and may belong to the said Office to be done for the securing, collecting and receiving of all and every the duties, imposts and revenues of Customs due and to grow due, to be levied and become payable to Us, our Heirs and Successors and to be collected and received at the said Port of Saint Johns. To have and to hold the said Office of Collector as aforesaid, with all and every the powers and salary, fees rights, and advantages to the said Office appertaining and which of right ought to appertain to the same unto him the said William Macrae for and during our Royal pleasure, and the residence of the said William Macrae in our said District of Montreal.

In Testimony &c



Province of Canada

Know all men by these presents that We, A.B. C, D, & E, F, are held and firmly bound unto our present Sovereign Lady Victoria, by the grace of God, to, Her Heirs and Successors ~~that~~ in the respective Sums following, that is to say, the said A.B. in the sum of £3000 Sterling money of Great Britain and each of them the said C, D, E, & F, severally and respectively in the sum of £750 each of like Sterling money, to be paid to our said Lady the Queen Her Heirs and Successors, for which said several payments well and truly to be made, each of us the said A.B. C, D, E & F, do hereby bind and oblige ourselves, our Heirs, Executors, Carators, and administrators, severally and respectively, but not jointly, nor one for the other, firmly by these presents signed with our hands and sealed with our Seals at Montreal the day of - - - - -

Bond  
Com<sup>r</sup> Cum  
Lands

Whereas the said A.B. hath by certain Letters Patent under the Great Seal of our said P of C bearing date to been nominated, constituted and appointed H. M's Com<sup>r</sup> of Can<sup>d</sup> Lands in the P of C. Now the Condition of this Obligation is such that if the said A.B. do and shall well and truly demean himself in the Execution of all and every the duties of his said Office, and follow such Orders as he may receive from our said Lady the Queen, or from the Commissioners of Her Majesty's Treasury, or Her Majesty's High Treasurer for the time being, or from one of Her Majesty's Principal Secretaries of State for the time being, or from the Governor or Officer administering the Government of the said P of C for the time being, and shall duly account for and pay over all monies received since the said ~~the~~ day of - - - - - last or to be hereafter received by him as such Commissioner as afo<sup>d</sup> to H. M., Her Heirs and Successors, or to such person or persons as may be lawfully entitled to receive the same. Then and in such case the above written Obligation shall be void and of no effect, but otherwise remain in full force and virtue.

Signed, Sealed and Delivered  
in the presence of

A.B. (initials)  
C. D. " "  
E. F. " "



Province of Canada

Notaries His Ex<sup>ty</sup>

To (names) Meeting

Whereas by an Ordinance made and passed by the Governor and Commission Legislative Council of the Province of Quebec, in the twenty eighth year of the reign of his late Majesty King George the Third, in-  
 Examiners titled, "An Ordinance to prevent persons practicing Physic and  
 Mt or Quebec Surgery within the Province of Quebec or midwifery in the  
 Towns of Quebec and Montreal, without licence", it was  
 among other things enacted, that after the first day of  
 November there next no person whatsoever should on any  
 pretence sell, vend or distribute medicines by retail or prescribe  
 for sick persons for gain, or practice Physic or Surgery  
 within the Province, or practice midwifery in the Towns  
 of Quebec and Montreal or the Suburbs thereof, without  
 licence first had and obtained from His Excellency the  
 Governor or the Commander in Chief of the Province for  
 the time being, which licence should not be granted  
 but upon the persons applying for the same having  
 been examined and approved by such persons as the  
 Governor or Commander in Chief for the time being  
 might have appointed for the purpose of examining  
 and enquiring into the knowledge of such persons in Physic  
 or Skill in Surgery or Pharmacy or Midwifery, a copy of  
 which certificate was and is to be annexed to the licence  
 which was and is to be registered in the Office of the Clerk  
 of the Peace of the District where the Practitioner resides,  
 as in and by the said Ordinance, reference being  
 thereunto had among other things therein contained may  
 more fully appear. Now therefore Know Ye that  
 the said Sir Charles Bagot K. C. reposing trust and  
 confidence in the discretion, integrity, skill and knowledge  
 of (names) have nominated and appointed and by  
 these presents do nominate and appoint the said (names)  
 or any seven of them to be a Board for the purpose  
 of enquiring into the knowledge of, examining and  
 approving all and every such person or persons as  
 shall or may apply for or be desirous of obtaining a  
 licence as required in and by the said Ordinance



sell, vend or distribute medicines by retail or to prescribe for sick persons for gain, or practice, Physic or Surgery within that part of the said Province of Canada which heretofore constituted the late Province of Lower Canada, or practice midwifery in the Towns of Quebec and Montreal, or the Suburbs thereof and as shall or may present themselves in the District of (Quebec or Montreal) to pass and undergo such examination as required by the said Ordinance in that behalf, and also for the purpose of giving a certificate or certificates as is also in and by the said Ordinance required to such person and persons as by the said Examiners or any seven or more of them, may be considered to be entitled to the same. — To have and to hold the said Office of Examiners as aforesaid unto them the said (names) and their respective residues in the said District of (Q or M) together with all and every the rights, powers, and authorities vested in such Examiners under and by virtue of the said Ordinance and under and subject to all and every the provisions, enactments and requirements thereof. And I do by these presents authorize and empower the said Examiners or any seven or more of them to meet together at such convenient <sup>time</sup> place in the said Town and City of (Q or M) as by them or any seven or more of them shall or may in this behalf be appointed for the purpose of requiring into the knowledge of, examining and approving such Person and Persons as may apply for or be desirous of obtaining a license as aforesaid, and for the purpose of granting such Certificate or certificates as in and by the said Ordinance is and are require —

In Testimony to

L. H. L. / draught /



Province of Canada

His Excellency, &amp;c.

To all, &amp;c.

Commission for Whereas by an Ordinance of the Governor of that part of the  
 Inspector of Pot Province of Canada, which Heretofore constituted the late  
 and Pearl Ashes Province of Lower Canada, and of the Special Council  
 for the affairs thereof, passed in the second year of the  
 reign of Her Majesty, and intitled, "An Ordinance to  
 "revise a certain Act therein mentioned, and to make better  
 "provision with regard to the inspection of Pot and Pearl  
 "Ashes," it is amongst other things enacted that a certain Act of  
 the Legislature of the said late Province of L.C. therein  
 mentioned, intitled, "An Act to suspend for a limited time  
 "certain acts therein mentioned, and to regulate in a  
 "better manner the inspection of Pot and Pearl Ashes," shall  
 be and the same is thereby revised, with, under and subject to  
 certain alterations and amendments in the said Ordinance  
 set forth. - And whereas by the said Act of the said Legis-  
 lature so revised and continued, it is amongst other things  
 enacted that the Governor, Lieutenant Governor or person  
 administering the Government for the time being, shall  
 and may from time to time by an instrument under  
 his hand and seal at Arms nominate and appoint  
 an Inspector of Pot and Pearl Ashes for each of the Cities  
 of Quebec and Montreal, which Inspector shall previously  
 to his appointment as such, undergo an examination as such  
 before the Board of Examiners constituted under the authority  
 of the said Act and Ordinance as to fitness, character and  
 capacity, and shall enter into the security and take the  
 oath thereby required; and that whenever a vacancy  
 shall occur in the office of Inspector of Pot and Pearl  
 Ashes, by the death, resignation or removal of such Inspector,  
 an Inspector of Pot and Pearl Ashes shall, by the Governor,  
 Lieutenant Governor, or person administering the Government  
 be appointed in his room from among the Assistant  
 Inspectors; And whereas the said Office of Inspector  
 of Pot and Pearl Ashes for the said City of Montreal  
 hath now become vacant by the death of the late  
 George Johnston Hall, heretofore Inspector of Pot  
 and



and Pearl Ashes for the said City of Montreal. - Now  
 Know Ye that I the said Sir Charles Bagot Kt, &c, confi-  
 ding in the Loyalty, Fidelity and Capacity of E. M.  
 S. Esquire, one of the said Assistant Inspectors in the  
 said City of Montreal have nominated and appointed  
 and by these presents do nominate and appoint the  
 said E. M. S. to be Inspector of Pot and Pearl Ashes  
 in and for the said City of Montreal, in the District  
 of Montreal, in the said Province of Canada, in the  
 room of the said late George Johnston Hall, the  
 said E. M. S. having been previously examined, approved  
 of and recommended as such by the said Board of  
 Examiners, and having entered into the said Security, and  
 taken the said oath as required by law: - It has been  
 hold the said Office of Inspector of Pot and Pearl  
 Ashes as aforesaid together with all and singular the rights,  
 powers, fees, profits and emoluments to the said Office  
 belonging or appertaining, or which of right ought  
 to belong or appertain to the same, unto him the said  
 E. M. S. for and during Our Royal Pleasure, and the  
 residence of the said E. M. S. in the said District of  
 Montreal, subject in all things to the provision in  
 the said Act and Ordinances hereinafter in part  
 recited contained

L. M. S.

Given &c



Province of Canada }  
 Victoria to  
 To all to

Know Ye that We upon special Trust and Commission Confidence in the Loyalty, Integrity and Ability of for a Deputy, William Pring, Esquire, residing at Saint Johns Collector of in the County of Chambly, have constituted and Customse appointed and by these presents do constitute and appoint him the said William ~~Macrae~~ Pring to be Deputy Collector of all our duties, imposts and revenues of Customs at the Port of Saint Johns, in our late Province of Lower Canada, and as such to act for William Macrae Esquire the Collector of our said Customs at the said Port, only in case of necessity and unavoidable absence of the said William Macrae, with full power and authority to do and perform in that Capacity, all such acts, matters and things as may be necessary and may belong to the said Office to be done for the securing, collecting, and receiving of all and every the duties, imposts, and revenues of Customs due and to grow due, to be levied and become payable to Us our Heirs and Successors and to be collected and received at the said Port of Saint Johns. And our will and pleasure further is that for the acts of the said William Pring as such Deputy Collector and the due and efficient discharge of his duties as such the said William Macrae is and shall be held personally responsible towards Us, our Heirs and Successors to all intents and purposes whatsoever. To have and to hold the said Office of Deputy Collector as aforesaid with all and every the salary, powers, rights and advantages to the said Office appertaining and which of right ought to appertain to the same unto him the said William Pring for so long during our Royal pleasure and the residence of the said William Pring in our said District of Montreal.

In Testimony to  
 Archives de la Ville de Montréal

L. H. L.



Province of Canada

Victoria, 10

Wall, 10

Patent  
Useful  
Arts.

Whereas Harvey Dripp of the Seigneurie of Sandreuil  
 in that part of Our Province of Canada, being an  
 Inhabitant of that part of Our said Province, and  
 one of Our loving subjects therein hath by his  
 Petition humbly represented unto Us that he hath  
 discovered and invented a new and useful method  
 of constructing wheels to be driven by Water and hath  
 made oath that he believed himself to be the  
 first discoverer and inventor of the said method  
 of constructing wheels to be driven by water, and hath  
 made oath of which he hath delivered a  
 written description and specification signed by him  
 and attested by two individuals, and hath also  
 delivered drawings explanatory of the said invention  
 and representing the mode of putting it into practice,  
 which said written description and specification signed  
 by him and attested by two individuals, and hath  
 also delivered drawings explanatory of the said  
 invention, and representing the mode of putting it into  
 practice, which said written description, specification,  
 and drawings have been filed in the Office of Our  
 Secretary of Our said Province of Canada in pursuance  
 of the Statute in that behalf made and provided,  
 and the said Petitioner hath humbly prayed that We  
 should be graciously pleased to grant to him, his heirs and  
 assigns Our Royal Letter Patent under the great seal of Our  
 said Province of Canada, for the sole making, constructing,  
 using, selling of Water wheels constructed according to the  
 said method and all other benefits and advantages thereof  
 within that part of Our said Province which formerly  
 constituted the P. A. C. for the term of fourteen years  
 according to the Statute in such case made and provided  
 and the being willing to give encouragement to all arts &  
 inventions which may be for the public good, we have graciously  
 pleased to condescend to the Petitioner's request in  
 consideration of his being the first inventor of the said

Archives de la Ville de Montréal

method



method of constructing water wheels within that part of Our said Province; of which said method the following is a short description. — (verbal description)

the method of constructing which in various forms, will by the said Specification and Drawings, reference being thereunto had, more fully and at large appear. — Know Ye therefore that We of Our especial grace, certain knowledge and mere motion have given and granted, and by these presents for Us, Our Heirs and successors do give and grant unto the said Harvey Dripp, his heirs and assigns and every of them, by his or their Deputy or Deputies, Servant or Servants, Agent or Agents or such others as to the said Harvey Dripp, his heirs and assigns shall at any time agree with and no others, the right from time to time and at all times hereafter during the term of fourteen years herein expressed lawfully to make, use, exercise, vend and avail of, and he <sup>or</sup> they shall and may have the exclusive right and liberty of making, using, exercising and availing of, and of vending the said method of constructing water wheels within that part of Our said Province which formerly constituted the Province of Lower Canada, in such manner as to him the said Harvey Dripp his heirs and assigns or any of them shall in his or their discretion seem meet; and the said Harvey Dripp, His Heirs and assigns shall and may have, use and enjoy the whole profit, benefit, advantage and commodity from time to time accruing or arising for or by reason of the said method of constructing water wheels, for and during the term of years herein mentioned; To have and to hold, receive and enjoy the said licence, powers, and advantages hereinbefore granted or intruded to be granted unto the said Harvey Dripp, his Heirs and assigns for and during and unto the full end and term of fourteen years from the date of these presents next immediately ensuing and fully to be complete and ended according to the Statute in that case made and provided; and to the end that the said Harvey Dripp his heirs and assigns and every of them may the more effectually have and enjoy the full benefit and advantage the sole use and exercise of the said *Archives de la Ville de Montréal* ing  
Water

an art  
of water



water wheel as aforesaid according to our foreworn intention here-  
 inbefore described declared, and in pursuance of the Statute  
 in such case made and provided, We do by these presents for  
 Us, Our Heirs and Successors, require and strictly command  
 all and every person or persons, bodies politic and Corporate  
 and all our subjects whomsoever, of what estate, quality,  
 name or condition soever they be within that part of Our  
 said Province which formerly constituted the Pop & C. that  
 neither they nor any of them at any time during the Con-  
 tinuance of the said term of fourteen years hereby granted,  
 either directly or indirectly do use or put in practice the  
 said method of constructing water wheels or any part of  
 the same so allowed unto and invented by the said  
 Harvey Duff, nor in any wise counterfeit, imitate or re-  
 semble the same, nor make nor cause to be made any  
 addition thereto or subtraction therefrom whereby to  
 pretend himself, herself, or themselves the Inventor or  
 Inventors, Devisor or Devisors thereof without the license, con-  
 sent and agreement of the said Harvey Duff, his Heirs  
 and Assigns in writing under his or their hands first had and  
 obtained in that behalf, upon such pains and penalties as  
 can or may be justly inflicted on such Offender or Offenders  
 for their contempt of this Our Royal Command, and further  
 to be answerable to the said Harvey Duff his Heirs and Assigns  
 according to Law. And moreover We do by these presents  
 for Us, Our Heirs and Successors will and Command all and singular  
 the Justices of the Peace, Sheriffs, Bailiffs, Constables, and other  
 Officers and Ministers of Us, our Heirs and Successors for the time  
 being whomsoever that they nor any of them do not nor  
 shall at any time hereafter during the continuance of  
 the said Term hereby granted in any wise trouble or  
 molest or hinder the said Harvey Duff his Heirs or  
 Assigns or any of them or his or their Deputies, Servants  
 or Agents or any of them in or about the due and  
 lawful use and exercise of the said method of constructing  
 water wheels as aforesaid or in or about any thing relating  
 thereto. Provided always that these Our Letters Patent  
 and all liberties and advantages hereby granted shall utterly  
 cease and determine and become null and void for all



or any of the causes, matters and things which in and by a certain act of the Parliament of the late Province of Lower Canada passed in the sixth year of the reign of Our late Sovereign Lord King William the Fourth, and intituled, "An act to repeal certain acts therein mentioned, and to consolidate the provisions therein made for the encouragement of useful arts in this Province", it is enacted and declared shall under said Letters Patent issued under and in pursuance of the said act, and moreover if the said description, specification and drawings filed as aforesaid in the Office of Our Secretary of Our said Province, do not contain the whole Truth relative to the said method of constructing water wheels, or if it contain more than is necessary to produce the desired effect, such concealment or addition appearing to have been made to deceive the public, or if the said Harvey Tupp was not the first discoverer and inventor of the said method of constructing water wheels, in these Our Letters Patent mentioned, or if the said method was known or in use in that part of Our said Province as aforesaid, before the same was invented by the said Harvey Tupp and before his application for these Our Letters Patent, in all and each of which cases these Our Letters Patent shall be and remain void.

In Testimony &c

I certify this draught to  
be conformable to the provisions  
of the act of S. C. 6. W. 4. C. 34.

J. H. Fontaine

Atty Genl

J. M. Beckwith



Province of Canada

Victoria, Etc

Letter Patent To all Etc

erecting a Township

Whereas it is expedient to erect into a Township a certain tract of our waste lands situated lying and being in our District of ... in our said Province and in and by the Report of Thomas Jarke, Esquire, our Surveyor General of our said Province made and certified to the Governor in Chief of our said Province described as...

(Description)

Now Know Ye that We of our especial grace certain knowledge and mere motion have created, erected, & constituted and by these presents do create, erect, and constitute the said tract of our waste lands to us aforesaid heretofore described and every part and parcels thereof a Township for ever hereafter to be, continued and remain a Township, and by the name of MacNider for ever hereafter to be called known and distinguished.

And We do moreover of our especial grace, certain knowledge and mere motion declare that these our Letters Patent shall be good and effectual in Law to all intents, constructions and purposes, whatsoever, notwithstanding any misbounding, misnaming or other imperfections or omissions of or concerning the said tract of land hereby erected into the Township of MacNider as aforesaid.

In Testimony Whereof  
Witnesses

C. D. Day!!



Province of Canada &

Victoria

To A.D. Galt

Commission Know You that having full Confidence in your Loyalty,  
 Clerk of a integrity and ability, We have constituted and appointed  
 Dist. Court. and by these Our Royal Letters Patent do constitute  
 and appoint you to be Clerk of the District Court of  
 the Inferior District of Montreal, in Our said Province,  
 under and subject to the provisions of an act of the  
 Parliament of Our said Province of Canada passed in  
 the Assize held in the fourth and fifth year of Our  
 reign, and intitled, "An act to provide for the more  
 easy and expeditious administration of Justice in Civil  
 Causes and matters involving small pecuniary value  
 in that part of this Province heretofore Lower Canada,"  
 To have and to hold unto you the said A.D. the  
 said office of Clerk of the District Court in and for  
 the said Inferior District of Montreal, together with all the  
 rights, powers and emoluments which to the said Office  
 may of right and by Law appertain during Our Royal  
 Pleasure.

C. P. Lay!!!

In Testimony  
 Witness



Province of Canada  
Victoria to  
Deall, to.

Letters  
Patent  
Committation  
of Tenure  
Whereas Our loving subject Eliza Taylor of the Single Woman,  
by deed of surrender bearing date the \_\_\_ day of \_\_\_ and  
enrolled of records in Our Court of King's Bench for Our  
District of Quebec, in Our said Province, reciting that the  
said Eliza Taylor was then seized in fee simple and possessed  
of Tenure and her heirs as owner and with legal power  
and authority to alienate the same, of and in three  
Certain and several lots of ground and premises  
situated on the Road leading to Saint Joy in  
the Parish of the City of Quebec, in our said Province  
therein and hereinafter described; which said lots of  
ground and premises were then held by her the said  
Eliza Taylor a titre de Cens.

And whereas the said Eliza Taylor hath sur-  
rendered and yielded up unto Us, Our Heirs and Suc-  
cessors all the said lots of ground and premises to the in-  
tent that she may receive from Us a grant thereof in free  
and Common Socage, upon payment to Us, Our Heirs  
and Successors of such sum of money, and under and  
subject to such terms and Conditions, limitations and  
restrictions as by Us or them may be deemed just or  
reasonable; and whereas the said Eliza Taylor hath  
Committated with Us for all and every the Droit de Coqs  
et Ventes, Cens et reutes, fines and other feudal and seigniorial  
rights dues and duties to which the said lots of ground and  
premises and the persons holding the same might without  
such Committation be subject and liable, by reason of  
the aforesaid original Tenure thereof and hath paid  
into the hands of Our Receiver General of Our said  
Province the sum of money which as and for the Con-  
sideration of the release and grant hereinafter contained  
we have deemed to be just and reasonable. — NOW  
Know Ye that we have accepted and hereby do  
accept the said Surrender so as aforesaid to Us made  
by the said Eliza Taylor, and in Consideration of the  
Committation and payment aforesaid, and in pursuance

J.



of the Statute in this behalf made and provided We have for  
 Us, Our Heirs and Successors, remised, released and quitted  
 Claim and by these presents do remise, release, and for  
 ever quit claim unto the said Eliza Taylor, Her Heirs  
 Executors, Curators, Administrators and Assigns, all  
 and every the droit de lochs et Ventes, Cens et rentes,  
 fines and other feudal and seigniorial rights, burthens  
 dues and duties which by reason of the original  
 grants or grants or Concessions of the said lots of  
 frouds and premises as aforesaid or by reason of  
 the tenure under which the said lots of frouds  
 and premises, previous to, and at the time of the  
 said surrender have been or were held or for or  
 by reason of any other cause, matter or thing, We,  
 Our Heirs <sup>or</sup> Successors might lawfully have  
 or claim upon or for the said lots of frouds  
 and premises and all areas of the same and all  
 Claims and demands by reason of the premises; And  
 Now We also that in further pursuance of the said  
 Statute in that behalf made and provided, We of  
 Our especial grace, certain knowledge and mere mo-  
 tion have given, granted, and confirmed and by these  
 presents do give grant, and confirm to the said Eliza  
 Taylor, Her Heirs and Successors for ever one block  
 or parcel comprising the said three parcels or lots  
 of frouds situate as aforesaid and lying and being  
 in Our Censive or domain. — Bounded and abutted  
 as follows — description. — And all the estate  
 rights, title, property, claim and demands whatsoever  
 of Us, of us or respecting the said Block, parcel  
 or tract aforesaid frouds, lands, tenements and pre-  
 mises, hereby granted and confirmed, with their and  
 every of their rights, members and appurtenances  
 of Us, Our Heirs and Successors unto and to the use  
 of the said Eliza Taylor Her Heirs and Assigns  
 for ever in free and Common Socage by fealty only  
 in lieu of all other and all manner of rents,  
 services, fines, dues and duties claims and demands  
 whatsoever, in like manner as lands are now



holden in that part of Great Britain called England.  
 Provided always, and we do hereby expressly reserve to  
 Us, Our Heirs and Successors, all mines of gold and Silver  
 which now are or shall be found upon the aforesaid  
 described Land and premises, hereby granted or any  
 part thereof so that the said Mines and each of them  
 shall belong to Us, Our Heirs and Successors in as full  
 and ample manner as if the present grant had never  
 been made. - And we do hereby expressly reserve to  
 Us, Our Heirs and Successors full power, right, and  
 authority to make and use all such roads, and  
 bridges ways and passages over the said Land and  
 premises hereby granted or any part thereof, and also  
 to take, stop, divert and use, all such rivers, Streams,  
 ponds and bodies of Water as shall by Us or them  
 be judged necessary or convenient for working or  
 improving the said Mines or any of them. - And  
 provided further if any mine or mines of gold or Silver  
 shall be found on the said Land and premises hereby  
 granted Our said grantee, Her Heirs ~~and~~ <sup>or</sup> Assigns pos-  
 sessing such Land or any part of the same, shall  
 within the space of six months after the discovery of such  
 mine or mines give notice of the discovery thereof to Our  
 Governor, Lieutenant Governor, or person administering the  
 Government of Our said Province for the time being,  
 and if he, she, or they shall make default therein  
 the present grant of the said Land at the end of the  
 said six months next ensuing after such discovery  
 shall become void, and the said Land hereby granted  
 shall revert and revert to Us, Our Heirs and  
 Successors in the same manner as if the present  
 grant had never been made, any thing herein contained  
 to the contrary in any wise notwithstanding. - And  
 we do hereby expressly reserve to Us, Our Heirs & Successors  
 a right of making any number of public Roads  
 or highway of a breadth not exceeding one hundred  
 feet, through any part of the said Land and premises  
 hereby granted except such parts whereon any dwell-  
 ing house or other house or building shall be  
 erected

Doubtful clause

Vide Note on Com  
of Sec 10.



erected. — And we do hereby also expressly reserve to Us, Our  
 Heirs and Successors full power, right and authority to  
 erect and build any forts or fortresses or to make any  
 other works of military defence on any part of the said  
 lands and premises hereby granted that may by Us Our  
 Heirs and Successors be deemed necessary for the peace  
 and safety of Our said Province, whenever he or they  
 shall signify it to be Our or their pleasure so to  
 do by an order given by Us or them, in Our or  
 their Privy Council in Great Britain or whenever it  
 shall be judged advisable or expedient so to do  
 by Our Governor, Lieutenant Governor or person  
 administering the Government of Our said  
 Province. — And we do hereby direct and appoint  
 that within six months after the day of the date  
 of these presents a Copy of this Our Grant shall be  
 registered in Our Registrars Office in Our Town  
 of Kingston in Our said Province of Canada, and  
 that in default thereof the said land and premises  
 hereby granted shall revert and escheat to Us, Our  
 Heirs and Successors and become the absolute property  
 of Us or them in the same manner as if the present  
 Grant had never been made any thing herein contained  
 to the contrary in any wise notwithstanding.

A Buchanan }  
 Stuart — }

In Testimony &c



Province of Canada }  
Victoria. 10.  
Do all. 10.

Letters Patent  
Whereas it has been humbly represented unto Us by our loving Subjects the Religious Community of the Nuns of the Hotel Dieu of Montreal, at our City of Montreal, in our Patent said Province by their humble petition in that behalf, A'Amor that it is necessary as well for the maintenance of the Members of their body as for enabling them the more fully and advantageously to provide for the support of the poor of the said Hotel Dieu of whose property they have the administration that certain Sums of money lawfully belonging to the said Nuns, proceeding from funds, originally destined for the objects aforesaid, should be invested in certain real Security called rentes foncieres et rentes constituées, so as to yield the yearly interest of One thousand five hundred pounds current money of our said Province for the support of the members of the said Religious Community, and the further yearly interest of one thousand five hundred pounds current money aforesaid to be applied to the care and maintenance of the said poor of the Hotel Dieu. And whereas the said Nuns of the said Religious Community have satisfied us of the utility and advantage of acquiring the rents aforesaid, and have prayed that we would grant them our royal licence and permission to lay out the said monies in manner aforesaid, so as to be productive of the said yearly sum of money and income, by means of rentes foncieres et constituées, to be by them held for the purposes aforesaid, in mortmain forever. Now therefore Know Ye that we of our especial grace, certain knowledge and mere motion have authorized and empowered and do by these Our Royal Letters Patent authorize and empower the said Nuns of the said Religious Community of Saint Joseph of the Hotel Dieu



of the Hotel Dieu of Montreal to use, lay out and apply such sum and sums of the monies lawfully belonging to them and to the poor of the said Hotel Dieu in the purchase and acquisition of the rents or Securities called rentes foncieres and rentes constituées secured upon lands, tenements, hereditaments or other real estate situate in that part of Our said Province heretofore called Lower Canada, as shall yield and produce to the said Religious Community for the members thereof the annual rent and income of one thousand five hundred pounds current money aforesaid, and for the care and maintenance of the said poor of the Hotel Dieu a further and like annual rent and income of one thousand five hundred pounds current money aforesaid. And we have further authorized and empowered and do by these presents authorize and empower the said Religious Community of Nuns and their Successors from time to time, and whenever they shall be compelled to take reimbursement of, and to receive into their hands, any sum or sums of money, parts and parcels of the principal or Capital of any of the said rents to be so as aforesaid purchased and acquired by them, again to lay out and invest such principal and Capital sum and sums in the purchase and acquisition of like rents, in lieu of such as shall have been extinguished by reimbursement.

And we have given, granted, and confirmed & by these presents do give, grant, and confirm unto the said Religious Community of Nuns This Our Royal Licence and permission, with full authority to have and to hold to them and their Successors in mostmain for ever all and every the said rents and annual income to be secured, purchased and acquired in manner aforesaid according to the laws and customs of that part of Our said Province heretofore called Lower Canada, to the intent that the said rents and annual income may by the said Religious Community of Nuns and their Successors



be used and applied to the several and respective purposes aforesaid, according to the true intent and meaning of these presents.

In Testimony to

At Quebec



Province of Canada }  
 }  
 }  
 }  
 }

Know all men by these presents that We A.S. G.D.  
 Bonds for and C.F. are held and firmly bound unto Our present  
 a Registrar. Sovereign Lady Victoria <sup>2.2</sup> 10. 10. Her Heirs and Successors  
 on the sum of / M<sup>l</sup> 2<sup>e</sup> \$4000. other places \$2000 of Current  
 money of the P of C to be paid to Our said Lady  
 the Queen. Her Heirs and Successors, for which payment  
 well and truly to be made we bind ourselves and  
 each of us by himself for and in the whole, jointly  
 and severally, Our Heirs, Executors, Curators, Adminis-  
 trators and Assigns, firmly by these presents signed  
 with Our Hands and sealed with Our seals and dated  
 at the Day of — 10 10

Whereas the said Jean Baptiste Chabot hath been  
 appointed Registrar for the District of Beethies in pur-  
 suance of an Ordinance or Law of that part of Our  
 Province of Canada which formerly constituted the  
 P of C. with the advice and consent of the Special  
 Council for the affairs thereof in the fourth year of Her  
 Majesty's reign, intitled, "An Ordinance to prescribe  
 and regulate the registering of titles to lands, tenements,  
 and hereditaments, real or immovable, Estates,  
 and of Charges and Incumbrances on the same, and  
 for the alteration and improvement of the Law in  
 certain particulars in relation to the Alienation and  
 hypothecation of Real Estates and the rights and  
 interest acquired therein."

Now the Condition of this recognizance is such  
 that if the said A.S. do and shall well and  
 truly, lawfully and faithfully execute the said  
 Office and perform and fulfil all and every  
 the said duties enjoined and required to be done and  
 performed by him as such Registrar in and by the said  
 Ordinance or Law in all things therein mentioned. Then  
 this recognizance to be void and of no effect otherwise  
 to be and remain in full force and virtue.

Taken & acknowledged

10 10 —

J. Stuart



Province of Canada

34  
Same heading as ante, page 33.

Bond for  
a Clerk of Condition. - The Condition of this Recognizance is  
a District such that whereas the said A.B. hath been appointed  
Court to the office of District Clerk of the Inferior District  
of C. erected and constituted under and by virtue of  
a certain act of the ~~Legislature~~ Parliament of the said  
Province of Canada, passed in the Session held in the  
fourth and fifth years of Her Majesty's reign and  
intituled, "An act to provide for the more easy  
and expeditious administration of Justice in  
Civil Causes and matters involving small  
pecuniary value in that part of this Province  
heretofore Lower Canada". - Now if the said A.B.  
shall duly and faithfully perform all the duties of  
the said office and shall duly pay and account for  
all monies which have heretofore come or shall here-  
after come into his hands as such Clerk of the District  
Court for the Inferior District of - then this recognizance  
to be void and of none effect, otherwise to be and  
remain in full force and virtue.

Taken 10

C. D. Day!!!



Province of Canada

Victoria &c  
To all &c.

Whereas on the — day of — in the year of Our  
 reign, We did give Our certain Letters Patent and  
 Associate Commission of the Peace for the District of Montreal,  
 Com<sup>rs</sup> Peace under the Great Seal of the said Province bearing  
 D of M<sup>o</sup> — date the same day and year thereby appointing  
 The Honorable Sir James Stuart and other persons  
 therein named Our Justices of Our Peace, in Our  
 District of — in Our Cap<sup>t</sup>. as by the said Letters  
 Patent or Commission, or the Registry or records thereof  
 in Our Registrar's Office or Office of Enrollments for  
 Our said Province may more fully and at large  
 appear. Now Know You that we have assigned  
 you also to be one of Our Justices to keep Our Peace  
 in Our said District of Montreal in Our said P.  
 hereby associating you for that purpose with  
 Our said Justices appointed in and by the said  
 in part recited Commission and hereby fully  
 and effectually giving and granting to you the  
 like powers and authorities granted in and by  
 the said in part recited Commission to Our Justices  
 therein named as fully and amply to all intents  
 and purposes as if the same were therein and  
 hereby particularly expressed hereby commanding  
 all Our Justices in the said in part recited Com-  
 mission named to admit and receive you the  
 said Atty. Our said Justice by these presents assigned  
 as their Associate and further commanding our  
 Sheriff of Our said District of — and all Constables  
 and Peace Officers within Our said Cap<sup>t</sup> and  
 all others to pay due obedience to you Our  
 said Justice by these presents assigned

C. R. Galt  
Atty. Genl.

In Testimony &c



Province of Canada

Victoria 10.

To all to

Revocation ~~Whereas~~ on the <sup>10</sup> day of this present month of June, the  
of Letters did issue our two several Letters Patent and Commissions  
Patent of the Peace for the Districts of Quebec, Montreal, Three  
Rivers Saint Francis and for the Inferior District of  
Passé in Our said Province under the great Seal of  
Our said Province bearing date respectively the same  
day and for aforesaid, appointing The Honorable Sir  
James Stuart, Baronet, The Honorable Couste Remy  
Vallieres de St. Real and other persons therein named,  
Our Justices to keep our peace, in Our said several Districts  
in Our said Province; And whereas in and by each  
and every of the said Letters Patent & Commissions  
The Honorable Edward Bowen was erroneously and  
induly named and placed. Now Know Ye that  
We of Our especial grace, certain knowledge and  
mere motion have appointed and do by these  
presents appoint and it is Our Royal will and  
pleasure that the said Edward Bowen as one of Our  
Justices aforesaid in and for all and every the said  
Districts, under and in virtue of the said several  
Letters Patent & Commissions shall have and  
take rank and precedence next after the  
Hon. P. W. Moore and before E. P. in the  
said several Letters Patent & Commissions  
named.

A. B. Sherman

W. Estuony to



## Province of Canada }

His Excellency, &c.

To the Honorable Sir James Stuart, Baronet  
 Know You that I the said Sir Charles Bagot  
 Commission  
 By Rev<sup>d</sup> under and by virtue of the authority to me granted  
 and Committed by our Sovereign Lady the Queen, by  
 Letters Patent under the great Seal of the United  
 Kingdom of Great Britain and Ireland bearing  
 date at Westminster the seventh day of October, in the  
 fifth year of Her Majesty's reign have assigned, deputed,  
 substituted and appointed and by these presents do  
 & do in pursuance of the provisions of an act passed in the  
 Parliament of the said United Kingdom, intituled, "An act  
 to re-unite the Provinces of Upper and Lower Canada, and  
 for the Government of Canada" ) assign, depute, substitute  
 and appoint you the said Sir James Stuart to be my  
 Deputy within that part of the said Province which at  
 the time of the passing of the said act constituted  
 the Province of Lower Canada, and in that capacity  
 to exercise, perform and execute during my pleasure  
 all and every the powers, functions and authorities  
 which are now vested in me as Governor of the  
 said P. of C.; including or in any wise concerning  
 the administering or the presiding or being  
 present at the administering, subscribing or  
 tendering of any oath or oaths of office to be taken  
 by any person or persons who being appointed to be  
 a member or members of Her Majesty's Executive  
 Council for the said Province may desire to take  
 such oath or oaths of office at any place within  
 that part of the said Province of Canada herebefore  
 specially described so that such oath or oaths of office  
 may be or be actually administered, taken, subscribed  
 and recorded and all other things thereunto relating  
 may be effectually done to all intents and purposes  
 whatsoever as if I were personally present and  
 acting in the behalf aforesaid: Provided always  
 that by this deputation and appointment my  
 authority



authority and power as Governor of the Province  
of Canada shall not be abridged, altered or  
in any way affected otherwise than as Her Majesty  
shall think proper to direct.

C. D. Day!!!!

Given &c

Province of Canada 3

His Excellency to

Do all &c

Whereas by the Statute in such case made and provided  
President it is enacted that the Governor, Lieutenant Governor, or person  
C of Appeals administering the Government of our late Province of Lower  
Canada, when sitting in the Court of Appeals shall  
preside therein, and shall have full power and authority  
to appoint any member of the said Court to be  
President thereof, during the absence of the Governor,  
Lieutenant Governor, or person administering the  
Government from the said Court any law to the  
Contrary notwithstanding. - Now Know Ye that  
I the said Charles Bacon Lydenbarr, confiding  
in the ability, knowledge and integrity of the Honorable  
Sir James Stuart, Baronet, Chief Justice of that part  
of our P of C. which formerly constituted the P of C.  
have nominated and appointed and by these presents  
do nominate, constitute and appoint the said Sir  
James Stuart, President of the Provincial Court  
of Appeals. - To have and to hold the said office  
of President of the Court of Appeals during pleasure  
and conformable to the provisions in the above men-  
tioned Statute contained.

C. D. Day!!!

Given &c



Province of Canada

His Excellency, to

Do all, to

Whereas by the statute in such case made and  
 provided it is enacted that the Governor, Lieutenant  
 Governor or person administering the Government of  
 that Province part of this Province which heretofore  
 constituted the P<sup>ar</sup> L<sup>o</sup> when present in the Court  
 of Appeals in and for the said part of this  
 Province, shall preside therein, and shall have full  
 power and authority to appoint any member of  
 the said Court to be President thereof during the  
 absence of the said Governor, Lieutenant Governor  
 or person administering the Government from the  
 said Court any law to the contrary notwithstanding.  
 And whereas all and every the powers, authorities,  
 and functions in that behalf which heretofore were  
 vested in and required to be exercised by the  
 said Governor, Lieutenant Governor, or person administering  
 the Government of the said late Province of Lower  
 Canada are now by law vested in and may be  
 exercised by the Governor of this Province. Now know  
 that the said Sir Charles Bagot, Confiding in the  
 ability, knowledge and integrity of the Honorable  
 Joseph Renie Vallieres de St. Real, Chief Justice  
 of the Court of King's Bench for the District of  
 Montreal, and one of the Members of the said  
 Provincial Court of Appeals, have nominated,  
 constituted and appointed and by these presents  
 do nominate, constitute and appoint the said  
 Joseph Renie Vallieres de St. Real President of  
 the said Provincial Court of Appeals in all  
 causes, matters, and things, appealed and  
 to be appealed from the Court of St. R for the Dist  
 of Quebec, and also in all causes, matters and  
 things appealed and to be appealed from the  
 Court of King's Bench for the District of Three Rivers  
 and from the Court of King's Bench for the District  
 of St. Francis, wherein The Honorable Sir James Stuart



Baronet, Chief Justice of the said part of the Province, may be disqualified from sitting as President of the said Provincial Court of Appeals or when he may be absent from the said Court of Appeals. To have and to hold the said Office of President of the said Court of Appeals during pleasure and Conformably to the provisions in the said above mentioned Statute contained.

M. La Fontaine

Given 10.

Gouverneur du Canada

His Excellency

To all, 10.

Edu<sup>d</sup> Bowen

(Copy to appoint, in succeeding Commission, and then proceed.)  
The said Edward Bowen President of the said Provincial Court of Appeals in all causes matters and things appealed and to be appealed from the Court of N. B. for the D. P. M. wherein The Honorable Sir James Stuart Chief Justice of the said part of this Province may be disqualified from sitting as President of the said Provincial Court of Appeals, or when he may be absent from the said Court of Appeals, and also in all causes, matters and things appealed and to be appealed from the Court of King's Bench for the District of Three Rivers and from the Court of King's Bench for the District of Saint Francis wherein the said Hon Sir James Stuart and The Honorable Joseph Remi Vallieres de S. Real, Esquire, Chief Justice of the Court of King's Bench for the District of Montreal may severally be disqualified from sitting as President of the said Provincial Court of Appeals or when they may be absent from the said Court of Appeals. To have and

M. La Fontaine

Given 10



Province of Canada

His Excellency. 10.

To all. 10.

J.R. Rolland

The said Jean Roch Rolland President of the said Provincial Court of Appeals in all causes, matters and things appealed and to be appealed from the Court of N.B. for the D of Quebec wherein The Honorable Joseph Remy Vallieres de S. Real, Esquire, Chief Justice of the Court of N.B. for the D of the Saguenay may be disqualified from sitting as President of the said Court of Appeals or when he may be absent from the said Court of Appeals, and also in all causes, matters and things appealed and to be appealed from the Court of N.B. for the D of Three Rivers and from the Court of N.B. for the D of S. Francis wherein The Hon. Sir James Stuart, Baronet, Chief Justice of the said part of the Province and the said Honorable Joseph Remy Vallieres de S. Real and The Honorable Ed-  
Bower one of the members of the said C. of this P and a member of the said Court of Appeals may severally be disqualified from sitting as President of the said Court of Appeals or when they may be absent from the said Court of Appeals. To have to

A. La Fontaine

Given 10



Province of Canada }  
 District of Montreal }

In the King's Bench  
 February Term, 1843.

The Honorable J. W. La Fontaine the Atty  
 General of Our Lady the Queen for  
 Lower Canada. ————— In presence

The Hon Pierre Dominique DeBentzels  
 of the Parish of St. Maurice in the District  
 of Montreal, Esquire, Seigneur, Proprietor  
 and professor of the Seignories of St. Maurice  
 and St. Francois le Neuf and of part of  
 the Seignory of St. Hyacinthe situated  
 in the District of Montreal and Dame  
 Marie Rosalie Papineau of the Parish  
 of St. Hyacinthe in the said District  
 widow of the late Jean Desaulles in his  
 lifetime of St. Hyacinthe aforesaid,  
 Esquire, Seigneur, Proprietor and professor  
 of the Seignory of St. Hyacinthe d'Am-  
 masket in the said District as well  
 in her own name and right, by reason  
 of her having been commune en biens  
 with the said late Honorable Jean  
 Desaulles and as being his customary dowager  
 / Donaire Contumiere as in her quality  
 of Tutrix duly appointed to the minor  
 Children issue of her marriage with  
 the said late Honorable Jean Desaulles  
 and his heirs jointly with Louis Antoine  
 Desaulles hereinafter named and as  
 Seignieurs in possession of the said  
 Seignory of St. Hyacinthe d'Amasket  
 and Louis Antoine Desaulles of St. Hyacinthe  
 aforesaid Esquire, Son and one of the  
 heirs of the said late Honorable  
 Jean Desaulles. ————— Dfats.

Be it remembered that the Hon  
 J. W. La Fontaine the Attorney General  
 of



of Our Sovereign Lady the Queen for that part of ~~Our~~ the said Province called Lower Canada, who prosecuteth for Our said Lady the Queen in ~~the~~ behalf & on the here into the Court of Our said Lady the Queen of the King's Bench held in and for the District of Montreal in the said Province, and for Our said Sovereign Lady the Queen with the Court here to understand and be informed, as follows, that is to say. —

That Our Sovereign Lady the Queen in virtue of her Crown of the United Kingdom of Great Britain and Ireland is seized in her demesnes as of fee of and in certain waste and ungranted lands situated in the County of S. Hyacinthe, in the said District of Montreal, bounded on one side by the south west boundary line of the fee and Seigniorie of Saint Hyacinthe, and on the other side by the Township of Sambour.

And the said Attorney General for and on behalf of Our said Sovereign Lady the Queen with the Court here further to understand and be informed that the said Honorable Pierre Dominique Desbartzet is the proprietor in possession of the south westerly three eighths parts or parcels of the said Fee and Seigniorie of S. Hyacinthe, and that the said Marie Rosalie Papineau in her said several rights and capacities, and the said Louis Antoine Desandres are the proprietors in possession of the north easterly five eighths parts or parcels of the said fee and Seigniorie of S. Hyacinthe, which said Seigniorie and the parcels thereof are contiguous to the said waste and ungranted lands of our said Lady the Queen. —

And the said Attorney General for and on behalf of Our said Lady the Queen with the Court here to understand and be informed that the said Defendants under certain false and frivolous pretences have encroached and daily continue to encroach on the said waste and ungranted lands of our said Lady the Queen.



said Lady the Queen contiguous to and adjoining  
 the said South West boundary line of the said Seignior  
 of St<sup>e</sup> Hyacinthe, and have molested, troubled,  
 and disturbed and still do molest, trouble and  
 disturb our said Sovereign Lady the Queen in  
 the possession and enjoyment of the said waste  
 and ungranted lands adjoining and contiguous  
 to the said South West boundary line of the  
 said Seignior, of Saint Hyacinthe, and have  
 molested, troubled and disturbed and although  
 the said Defendants have often been required  
 on the part of our said Sovereign Lady the  
 Queen to draw or cause to be drawn the boundary  
 line or lines between the said respective pro-  
 perties that is to say, the line of separation  
 between the said Seignior and Seignior on the  
 South West side thereof, and the said waste  
 and ungranted lands of our said Sovereign  
 Lady the Queen lying between the same and  
 the said Township of Parulhans. —

Let the said Defendants have always  
 neglected and refused and still do neglect and  
 refuse so to do, to the great damage of our said  
 Sovereign Lady the Queen. —

All which allegations, matters and things  
 the said Attorney General on behalf of our  
 said Sovereign Lady the Queen maintains to  
 be true and well founded in fact and in  
 law and hereby offers to justify, prove and  
 maintain the same when and where the  
 Court here of our said Lady the Queen may  
 direct and require. —

Wherefore the said Attorney General on  
 behalf of our said Sovereign Lady the Queen  
 pray the consideration of the Court here in the  
 premises and that due process of law may  
 be awarded to compel the said Defendants  
 to be and appear in this Honorable Court on  
 Wednesday the first day of February next  
 ensuing



ensuing to answer the premises, and that for the causes  
 aforesaid by the Judgment of this Honorable Court  
 it be adjudged and ordered that a sworn  
 Surveyor or Sworn Surveyors to be named by the  
 parties, and on their neglect so to do to be named  
 by the Court, shall forthwith in the presence  
 of the said Defendants and of the Servant or  
 Agent of Her Majesty in that behalf, or in  
 their absence after they shall have been duly  
 called, proceed to draw the South West line  
 of the said Seignory of St. Jacques, dividing  
 the same from the said waste and ungranted  
 lands of Our said Lady the Queen, lying  
 between it and the said Township of  
 Launham according to the title or titles of  
 the said Seignory, and set and fix permanent  
 Stone Metes and Bounds to mark and define  
 the said line, and that the said Surveyor or  
 Surveyors shall make his or their report  
proce Verbal and plan in the premises  
 in due form of law and return the same  
 into this Honorable Court to be confirmed  
 and homologated as to law and justice  
 shall appertain, and further that the said  
 Defendants be adjudged and condemned  
 to render and restore to Our said Sovereign  
 Lady the Queen the rents, issues and profits  
 of the said lands which they have received  
 and derived from and out of the said  
 lands so encroached upon to be estimated  
 by reports. — The whole with costs in  
 the behalf. —

Montreal, 30<sup>th</sup> Nov<sup>r</sup>. 1843.  
 A. Buchanan  
 L.C.



Montreal. - Dame du Roi. - Deux de Février 1843.

L'Honorable M. La Fontaine, le Procureur  
Général de Notre Dame la Reine pour  
le Bas Canada. - Informant

L'Honorable Pierre Dominique  
DeBartzels & Co. - Dfs

Les Défendeurs Dame Marie Roxalie Papineau et  
le Défendeur Louis Antoine Desaulles, sans admet-  
tre aucun des allégués du dit Honorable Louis  
Hypolite LaFontaine en son information ou demande  
intentée contre eux, mais au contraire la mainte-  
nir, vient pour exception préemptive à la  
dite information ou demande, qu'elle est mal  
fondée et ne peut être maintenue, et ce, pour  
plusieurs raisons à deduire de plein droit,  
et en traites pour les suivantes. -

Qu'il ya déjà une cause ou instance in-  
troduite sous le Numéro 100 et pendante devant  
cette Honorable Cour, entre les parties ci-dessus  
ou leurs représentants, la dite instance fondée  
sur la même cause d'action que la présente information  
ou demande, de la même nature, et pour le même  
objet et la même cause, savoir que les dits  
Défendeurs sont fondés à opposer à la présente  
demande l'exception de litis pendantes. -

En effet dans le terme d'Octobre 1805, en cette  
Honorable Cour Jonathan Sewell, Ecuyer, alors Procureur  
Général de notre Souverain Seigneur le Roi d'alors, dans  
et pour la Ci devant Province du Bas Canada,  
intentée pour et au nom de notre Souverain Seigneur  
le Roi d'alors, contre Hyacinthe Marie Delorme, Ecuyer,  
de S. Hyacinthe, Claude Duchaud, Ecuyer de Québec  
et le dit Pierre Dominique DeBartzels, l'un des  
Défendeurs actuels, et ce comme Seigneurs en pos-  
session de la Seigneurie de S. Hyacinthe, la même  
que celle mentionnée et désignée en la présente  
information, une action en l'honneur de la dite Jonathan  
Sewell.



Swell ayant fait dans et par la dite action de  
 serments les allegues serments, et ayant pris les  
 conclusions qui suivent également, le tout, en  
 langue Anglaise, et comme suit savoir. —

“For that whereas on the twenty third day of  
 “September, in the year of Our Lord 1748. Ralland  
 “Michel Barron, Chevalier Marquis de la Galisson-  
 “niere, Commandant General of New France et  
 “Francois Rigaud, Ecuyer, Intendant by virtue of  
 “the power and authority given to them by his  
 “most Christian Majesty did give and grant  
 “to Francois Rigaud, Ecuyer, Seigneur of Vandrevil  
 “a certain tract of land, in the said District  
 “of Montreal, described as follows in the front  
 “thereof herewith produced in this Honorable  
 “Court, “Concession de six lieues de profondeur de  
 “chaque Cote de la dite Riviere, les dites six  
 “lieues de front à prendre à sept lieues de l’en-  
 “bouchure de la dite Riviere qui sont les dernieres  
 “terres concédées”. — Which said front was thus made  
 “to the said Francois Rigaud, Ecuyer, à titre de fief  
 “et Seigneurie, subject amongst other things to do  
 “and render fealty and homage at the Castle of Saint  
 “Louis, at Quebec, And whereas afterwards to wit  
 “on the thirtieth day of April in the year of Our  
 “Lord 1748. the said front of the said tract of land  
 “was by brevet de ratification of his most Christian  
 “Majesty confirmed to the said Francois Rigaud, Seigneur  
 “de Vandrevil, by virtue of which said grant, and  
 “the said ratification thereof, the said Francois  
 “Rigaud, Ecuyer, became entitled to have and take  
 “as the limits of the said Fief and Seigneurie, six  
 “leagues in front along the said River Marka,  
 “beginning at the distance of seven leagues from  
 “the mouth of the said River and the two extremities  
 “of the said six leagues in front, three leagues on  
 “each side of the said River, which said three leagues  
 “on each side of the said River are to be found  
 “within two lines to be drawn on each side of  
 “the



"the said River perpendicularly at right angles to the said  
 "line of side leagues in front from the two extremities thereof  
 "as aforesaid of which said Fief and Seigneurie known  
 "and called by the name of the Seigneurie of Saint  
 "Hyacinthe de la Riviere de Marcko, the said  
 "Defendants are now in possession, and whereas  
 "since the said Fief and Seigneurie was granted  
 "to the said Francois Rigaud, one of the side lines  
 "thereof, to wit, the line on the South thereof, being  
 "the upper side line thereof on the said River bounding  
 "on the lands of Our said Lord the King, hath at  
 "no time been run, fixed and established, nor  
 "any boundaries thereon planted to mark out  
 "and define, in that part the limits of the said  
 "Fief and Seigneurie an action hath accrued to the  
 "said Attorney General on the part and behalf of  
 "Our said Lord the King to compel the said Defen-  
 "dants to run the line and establish boundaries  
 "on the South side of the said Fief and Seigneurie of  
 "S<sup>r</sup> Hyacinthe adjoining to the lands of His said  
 "Majesty agreeably to the said part, of the Fief  
 "and Seigneurie and in manner as is herebefore  
 "described".

"Wherefore the said Attorney General on the part and  
 "behalf of Our said Lord the King brings suit and prays  
 "that by two or more sworn Surveyors to be respectively  
 "named by him the said Attorney General, and the  
 "said Defendants, and in default thereof by the Court  
 "the side line of the said Fief and Seigneurie of  
 "S<sup>r</sup> Hyacinthe to the South of the said Seigneurie on  
 "each side of the said River Marcko being the  
 "upper side line thereof on the said River, may be  
 "run to separate and divide the said Fief and  
 "Seigneurie on that side from the lands of his said  
 "Majesty and that thereon at proper places and  
 "distances, boundaries to fix the limits between  
 "the said Fief and Seigneurie of S<sup>r</sup> Hyacinthe and  
 "the lands of His said Majesty, may be placed  
 "and planted by the said Surveyors, the which at



"the proper Costs and Charges of the said Defendants.  
 "That the Courts of His said Majesty which it  
 "may be found that the said Defendants hath  
 "encroached on and taken may be restored to our  
 "said Lord the King by the said Defendants with  
 "all the fruits, revenues, rents, issues and profits  
 "thereof, and that the said Defendants be ordered  
 "and enjoined not to encroach hereafter  
 "on the lands of our said Lord the King and for  
 "having done so that they may be adjudged and  
 "condemned to pay to our said Lord the King  
 "his damages, interest and Costs."

Qu'a cette demande d'action en bornage les  
 dits Hyacinthe Marie Desorme, Claude Deuchaud,  
 et Pierre Dominique DeBart, et apposèrent et pro-  
 duisirent le quinze Octobre, 1805, des exceptions et  
 defenses, par lesquelles ils prétendirent que la  
 demande faite contre eux par le dit Jonathan  
 Sewell, Ec.<sup>le</sup> Procureur Général au nom de notre  
 Souverain Seigneur le Roi étoit irrégulièrement  
 formée et qu'il ne pouvoit soutenir cette action  
 en la manière et forme par lui adoptées, pour  
 plusieurs raisons, et entr'autres pour les suivantes  
 qu'ils exposèrent dans les dites exceptions et de-  
 fenses et accompagnèrent de conclusions spéciales  
 par eux prises à cet effet, le tout comme suit  
 savoir. —

1<sup>re</sup> Parceque Son Excellence le Lieutenant Gouverneur  
 "de cette Province auroit eu Conseil décidé de faire  
 "trier et fixer les justes limites de la Seigneurie  
 "de S<sup>rs</sup> Hyacinthe survoit les titres des dits Défendeurs,  
 "et notamment le titre de conception d'icelle, en  
 "date du vingt trois Septembre 1748. et brevet  
 "de ratification de Sa Majesté le Chrétien le da  
 "treute avril 1749. ainsi qu'il appert par une  
 "lettre du neuf Janvier 1801. de la part de Benjamin  
 "Witsius Ryland, Ecuyer, Secrétaire du dit Conseil,  
 "à Hyacinthe Marie Desorme, Ecuyer, un des dits  
 "Défendeurs." —



2<sup>e</sup> " Que Jeremiah McCarthy arpenteur juré, nommé  
 " pour constater l'étendue et tracer les bornes limites et  
 " ligne de séparation de la Seigneurie de saint  
 " Hyacinthe, auroit en vertu d'un mandant  
 " émané de Son Excellence le Lieutenant Gouverneur  
 " de cette Province, au son Conseil, à cet effet, effectuement  
 " mesuré et constaté l'étendue et tracé les bornes d'icelle  
 " ainsi qu'il paroit par les procès verbaux faits par  
 " le dit Jeremiah McCarthy en date du seize Mars 1802,  
 " et les plans y annexés, files avec les présentes.

3<sup>e</sup> " Que par les dits plans et procès verbaux du  
 " dit Jeremiah McCarthy, il est vraiment et légalé-  
 " ment constaté que la dite Seigneurie de S<sup>r</sup> Hyacinthe  
 " auroit un déficit du côté du Nord ouest d'icelle  
 " de la quantité de dix sept mille deux cent trente  
 " arpents en superficie, et que le dit Jeremiah  
 " McCarthy auroit pour compléter aux dits  
 " Défendeurs, ainsi qu'il lui étoit enjoit, la totalité  
 " de leurs titres sus mentionnés et conformément aux  
 " lois et usages suivis en ce pays, mesuré sur les  
 " terres non concédées de Sa Majesté, au Sud est  
 " de la dite Seigneurie de S<sup>r</sup> Hyacinthe, le complé-  
 " ment de la dite Seigneurie contenant la même  
 " quantité d'arpents que contient le <sup>dit</sup> déficit que  
 " souffroit la dite Seigneurie de S<sup>r</sup> Hyacinthe  
 " au Nord Ouest d'icelle dont se plaignoient les  
 " dits Défendeurs, ne provenoit pas d'aucune enpié-  
 " tation de la part des Seigneuries environnantes d'  
 " icelle, mais bien de la priorité de titres des dites  
 " Seigneuries, ainsi qu'il appert par le dit procès verbal  
 " du dit Jeremiah McCarthy du neuf Mars 1802, et par  
 " le dit plan y annexé.

4<sup>e</sup> " Que le vingt trois Mars 1803, le Conseil Exécutif  
 " de cette Province auroit pris en considération les dits  
 " plans et procès verbaux, et auroit par un rapport  
 " d'un Comité de tout le dit Conseil approuvé par  
 " Son Excellence le Lieutenant Gouverneur de cette Province,  
 " résolu de ratifier et sanctionner, et auroit en effet  
 " sanctionné et ratifié le dit plan y annexé.



„ et auroit en effet accorder aux dits défendeurs l'in-  
 „ demnité du déficit sus-dit, en la manière suivante  
 „ savoir; en leur permettant de prendre le complément  
 „ de la dite Seigneurie de St. Hyacinthe au Sud est  
 „ d'elle et dans l'endroit projeté par le dit  
 „ Jureur de McCarthy dans ses plans et procès  
 „ Verbaux sus-dits sur les terres non concédées de  
 „ Sa Majesté.

„ 3.<sup>o</sup> Qu'en tout événement les Défendeurs ont droit  
 „ à l'étendue de terrain que comportent leurs titres  
 „ et notamment trente six lieues en superficie  
 „ ainsi que les dits titres de leurs propriétés le  
 „ démontrent, et ainsi que les dites opérations,  
 „ plans et procès Verbaux ci-dessus mentionnés  
 „ l'établissent, et que vu le déficit qui se trouve  
 „ du côté du nord ouest de la Rivière de Masko  
 „ pour former toute la superficie à laquelle leurs  
 „ dits titres leur donnent droit, il / le dit déficit /  
 „ doit nécessairement être rempli, comme il a  
 „ été réellement fourni aux dits défendeurs, en la  
 „ manière susi et désignée par les dits plans  
 „ et procès Verbaux.

„ Que les dits Défendeurs n'ont en aucune  
 „ manière quelconque, usurpé sur les terres  
 „ de notre Souverain Seigneur le Roi.

„ Pourquoi les dits Défendeurs concluent à  
 „ ce que les prétentions énoncées en la déclara-  
 „ tion du dit Jonathan Truvel, Esuyer,  
 „ Avocat Général, en sa qualité etant de cla-  
 „ res inadmissibles tant par rapport à la forme  
 „ de l'arpentage demandé que par rapport  
 „ à l'arpentage même.

„ Que les opérations du dit Jureur de McCarthy  
 „ et notamment ses dits procès Verbaux du Seize  
 „ Mars 1801 et du neuf Mars 1802, et ses plans  
 „ d'arpentage soient déclarés bons, valables et  
 „ suffisants et que les bornes plantées par le dit  
 „ Jureur de McCarthy conformément aux plans  
 „ et procès Verbaux sus-dits soient déclarées



"et suffisant et que les bornes réputées les vraies bornes  
 "de séparation entre les fentes, ce faisant, que les  
 "dits plans et procès verbaux sanctionnés et ap-  
 "prouvés comme dit est, en conseil de cette Province  
 "le vingt trois mars 1803. soient homologues par  
 "cette Honorable Cour pour être suivis et exécutés  
 "suivant leur forme et teneur conformément aux  
 "droits des dits Défendeurs résultant de titres  
 "qu'ils produisent et qu'ils ont déjà produits  
 "de leur possession et propriété comme ils ont  
 "entendu et entendent faire valoir; que les  
 "dits Défendeurs soient maintenus dans la  
 "possession et propriété du dit complément  
 "de la dite Seigneurie de St Hyacinthe située au  
 "sud est d'icelle, de la contenance 17230 arpens  
 "en superficie, tel qu'il est désigné dans les  
 "dits plans et procès verbaux, et sur ce à ce  
 "que les dits titres des dits Défendeurs soient  
 "remplis, et que ladite quantité de Terrain de  
 "trente six lieues en superficie, suivant les  
 "principes et les manières établis par les  
 "dites opérations du dit Jereimial McCutty,  
 "à laquelle superficie ils ont réellement droit  
 "soit déclaré leur appartenir, come en effet  
 "elle leur appartient, le tout avec depens.

Que le dit Procureur Général, Jonathan Sewell,  
 produisit le trente un Janvier, 1806. des réponses  
 et des répliques aux dites exceptions et defenses  
 lesquelles réponses et répliques contenoient les  
 allegués suivants savoir: -

"That the said Jereimial McCutty Deputy  
 "Surveyor of and for the Province of Lower Canada  
 "mentioned in the plea of the said Defendant in  
 "the Survey made by him between the Crown Lands  
 "and the Fief and Seigneurie of St Hyacinthe, acted  
 "wholly and entirely contrary to the instruction  
 "given to him by Government for that purpose  
 "that if the quantity of 17230 arpents in superficie  
 "should be wanting of the said Fief and Seigneurie  
 "to



"to make the superficial quantity of thirty six  
 "leagues which the said Attorney General  
 "wholly denies to be true, yet the said Attorney  
 "General saith that the said Defendants have  
 "not a right to demands and have the same  
 "made up to them by an equal quantity  
 "to be taken on the lands of the Crown. -

"And the said Attorney General further  
 "saith that the Seignories of Saint Ours, S.  
 "Denis, S.<sup>m</sup> Franceois, Rouville and Monnoir,  
 "or Railway to the north of the said River  
 "Maska, were granted prior in date to the  
 "said Dief of S.<sup>m</sup> Hyacinthe, and that the  
 "said Dief and Seignory of S.<sup>m</sup> Hyacinthe  
 "is not a grant of thirty six leagues super-  
 "ficial measure, but on the contrary the  
 "same was granted to contain six lieues  
 "de front de long de la Riviere de Maska  
 "sur trois lieues de profondeur de chaque  
 "cote de la dite Riviere," that the said Dief and  
 "Seignory was acquired by the predecessors of the said  
 "Defendants by grant, donation and gift from the  
 "Crown upon which contract the law imposes no  
 "mananty, that if in the grant of the said Dief and  
 "Seignory to the said predecessors of the said Defen-  
 "dants, the whole quantity of lands of three leagues  
 "in depth is not to be found on the north west  
 "side of the said River, if the deficit arises  
 "from the said grant, prior in date to the said Seignory  
 "of S.<sup>m</sup> Hyacinthe, the intention of the Crown was to  
 "grant, at most, to the predecessors of the said  
 "Defendants the quantity of land on the said  
 "north west side of the said River Maska, which  
 "then remained ungranted, and the said Defendants  
 "have a right to no more lands on the said north  
 "west side of the said River than was to be found  
 "in that place, ungranted at the period of the  
 "grant of S.<sup>m</sup> Hyacinthe, that the said Defendants  
 "satisfied that they had a right to be more



"than the quantity of lands not previously granted, which  
 "might be found on the north west side of the said River  
 "Marka and to six leagues along the River by three  
 "leagues in depth on the South East side of the said  
 "River more than ten years past, did Grant boundaries  
 "at the distance of about six leagues from the East  
 "grant below the said Fee and Seignior of S<sup>te</sup> Hyacinthe  
 "on the said River, which boundaries were intruded by the  
 "said Defendant to serve for the Upper line of division of  
 "the said Fee and Seignior, on the said Upper side thereof  
 "to the South cannot be extended, but on the contrary  
 "the same should be placed yet lower down the river,  
 "and all this the said Attorney General is ready to  
 "verify."

Que le douze Février suivant les dits Hyacinthe  
 Marie Odome, Claude Penechaude et Pierre Edouard  
 Odontzky fournirent leurs repliques aux réponses du  
 dit Procureur, contenant les dites repliques les  
 allégués successifs suivants.

"Que Pierre Michel McCarthy a révélerent et fidèlement  
 "suivi les instructions à lui données, ainsi qu'il parait  
 "par l'approbation que le conseil même a donnée  
 "à ses démarches, le vingt trois mars 1803, et que les  
 "Défendeurs ont bien révélerent droit à la quantité  
 "de dix sept mille deux cent trente arpens qui leur  
 "manquent pour compléter leurs titres et droits à la quan-  
 "tité de trente six lieues en superficie, question au reste  
 "déjà décidée, comme il est allégué par les Défendeurs en  
 "leur faveur. Suivant les pièces et aux termes de titres qu'ils  
 "produisent au soutien de leurs exceptions."

"Que la Couronne est tenue de garantir aux dits  
 "Défendeurs la quantité de Terrain que comportent leurs  
 "dits titres; qu'en outre, dans le cas présent, ladite concession  
 "de la Seigneurie en question doit être remplie, et ce, d'au-  
 "tant plus que cette concession étant un bienfait du Prince  
 "doit être interprété favorablement en faveur des Défen-  
 "deurs, et que le Gouvernement a reconnu et confirmé ce  
 "principe en ratifiant et approuvant les opérations dudit  
 "Pierre Michel McCarthy le vingt trois Mars 1803."



„ Que quant à l'endroit où les dits Défendeurs ont droit de prendre  
 „ le terrain qui leur manque la place en a déjà été suffisamment  
 „ marquée et désignée aussi bien que le principe d'indemnité  
 „ si mal à propos contesté en cette cause.

„ Que les allégués qui regardent le mesurage  
 „ fait de la Seigneurie des Défendeurs impliquent  
 „ une contradiction manifeste avec la déclaration et  
 „ le principe qu'on a prétendu invoquer en la présente  
 „ action, mais qu'après tout, les limites de la Seigneurie  
 „ en question ayant été établies et légalement fixées  
 „ et le principe d'indemnité par eux réclamé, décidé  
 „ et établi en leur faveur, ainsi que la place où il  
 „ doit avoir lieu, suivant la décision du Conseil du  
 „ vingt-trois Mars 1803.

„ Que sur cette instance ainsi introduite contre les  
 „ dits Hyacinthe Marie Lelorne, Claude Deschamps et  
 „ Pierre Dominique DelBonté, de la part de Notre  
 „ Souverain Seigneur le Roi et sur la contestation  
 „ établie en icelle, est intervenu, en la dite Cour du Banc  
 „ du Roi, pour le District de Montréal, Jugement  
 „ le vingt avril 1807, conçu dans les termes suivants,  
 „ savoir:

„ The Court having heard the Solicitor General on  
 „ the part of Our Sovereign Lord the King, and the Defen-  
 „ dants by their Counsel and examined the proceedings and  
 „ exhibit filed of records in the cause, It is adjudged  
 „ and ordered that the lands of the Defendants adjoining  
 „ to those of the Crown situated on the River Marked,  
 „ be surveyed and boundaries fixed between them  
 „ by two sworn Surveyors hereafter to be named, one  
 „ on the part of the Crown and another by the Defendants  
 „ and in default of either of the parties so naming a  
 „ Surveyor as above ordered to be named and appointed  
 „ before one of the Judges of this Court within thirty  
 „ days: that the Survey aforesaid be made, and the  
 „ boundaries fixed conformable to a grant of the Marquis  
 „ de la Galissonnière, Commander in Chief in New France  
 „ and François Bigot, Intendant, bearing date the  
 „ twenty third day of September 1768, and ratified



By His most Excellent Majesty the thirtieth day of April  
1749, made that a report be made of the Survey aforesaid  
to this Court on the tenth day of June next.

Les les dits Hyacinthe Marie Delorme, Claude  
Deuchaud, et Pierre Dominique DeBartzels ayant inter-  
jeté appel devant la Cour Provinciale siégeant  
en la ville de Quebec, District de Quebec du dit Juge-  
ment, du vingt Avril 1807, la dite Cour d'Appel infirma  
le dit Jugement par son Jugement du vingt Janvier,  
1808. Concu dans les termes suivants, savoir.

"The Court having heard the parties by their Counsel,  
"considering that the Judgment appealed from, is des a  
"Survey already made by the consent of the respective  
"parties and that the Court below has sufficient matter before  
"it to direct the boundaries, that ought to be made, between  
"the said parties, according to their respective titles, rights and  
"pretensions, reverses the said Judgment and orders that the  
"Records be remitted to the Court below, to be further proceeded  
"upon by the said parties as they shall be advised."

Le par apres savoir le vingt Janvier, 1815, devant les  
dits Cour du Banc du Roi, pour le District de Montreal,  
Stephen Sewell, Ecuier, alors Solliciteur General de notre  
Souverain Seigneur le Roi d'abord produit et fit  
dans la dite cause No 100 pour et au nom de notre  
dit Souverain Seigneur le Roi, une demande en  
information a l'effet d'assigner devant la dite Cour  
en reprise d'instance Jean Desaulles, Ecuier, de Saint  
Hyacinthe, dans le District de Montreal, c'est a dire,  
le dit Jean Desaulles mentionné et denommé en la  
présente information du dit Honorable Louis Hypolite  
Lafontaine sous le nom de l'Honorable Jean Desaulles,  
le dit Stephen Sewell alléguant entre autres choses  
dans sa dite information ou demande en reprise  
d'instance que le trois Janvier 1814 le dit Hyacinthe Marie  
Delorme par acte passé devant M<sup>re</sup> Papanant Doucet,  
Notaire, fit son testament, et par lui institua le dit  
Jean Desaulles, son legataire universel, ensuite de quoi,  
savoir, le treize Mars 1814, le dit Hyacinthe Marie Delorme  
décéda sans avoir changé son testament et laissa



le dit Jean Desaulles représentant seul la succession, comme son légataire universel, fut tenu de reprendre au lieu; le dit Stephen Swell, en dite qualité de Solliciteur General, pour et au nom de notre Souverain Seigneur le Roi, concluant par son dite information à ce que le dit Jean Desaulles, en dite qualité de légataire universel, fut tenu de reprendre au lieu du dit Hyacinthe Marie Delorme l'instance dans la dite cause N.º 100 pendante comme dit et contre notre Souverain Seigneur le Roi et les dits Hyacinthe Marie Delorme, Claude Deschamps, et Pierre Dominique DeBartzels, et a fait par lui de le faire à ce que la dite instance demeureroit pour reprise, le dit Stephen Swell ayant, en outre, renouvelé les conclusions déjà prises dans la demande originaire en garnage contre les dits Hyacinthe Marie Delorme, Claude Deschamps et Pierre Dominique DeBartzels.

Que la dite instance fut et demeure, en conséquence de ce que dessus, reprise par le dit Jean Desaulles.

Que le dit Jean Desaulles étant décédé, se trouve maintenant représenté par les Défendeurs actuels, ladicte Dame Marie Rosalie Papineau et le dit Défendeur Louis Antoine Desaulles, et ce, comme suit, savoir, la dite Dame Marie Rosalie Papineau, tant comme ayant été commune en biens avec le dit feu Honorable Jean Desaulles, et aussi en sa qualité de Douairière Containière que comme tutrice à deux enfants mineurs et héritiers ipso de son avec le dit feu Jean Desaulles, et par le dit Défendeur Louis Antoine Desaulles, l'autre héritier.

Les dits Défendeurs ajoutent que le dit Pierre Dominique DeBartzels et les héritiers du dit feu Honorable Jean Desaulles sont aux droits du dit Claude Deschamps et le représentent, et ce, en vertu d'un acte d'accord et transaction, en date du treize Novembre, 1710. reçu devant M.º Boudages et son Confre Notaire, à S. Hyacinthe, passé entre le dit Hyacinthe Marie Delorme, le dit Claude Deschamps et le dit Pierre Dominique DeBartzels, et en vertu duquel, le dit Claude Deschamps est et sera tenu



audit Pierre Dominique DeBartzels, et au dit Hyacinthe Marie Delorme l'auteur du dit feu l'Honorable Jean Desaulles, tous les droit qu'il pouvoit avoir et prétendre comme usurpateur pour sa part dans la dite Seigneurie de S. Hyacinthe, ainsi que le tout est plus au long expliqué au dit acte d'accusation et transaction.

Lesdits Défendeurs actuels alléguent en outre que la dite Cause ou instance No 100, introduite comme dit est au vertu de la dite demande ou action de bonnage, contre les dits Hyacinthe Marie Delorme, Claude Deschamps, et Pierre Dominique DeBartzels et le dit Jean Desaulles Défendeurs par reprise d'instance, n'a jamais été terminée et est encore pendante devant cette Honorable Cour.

Les dits Défendeurs actuels disent de plus que la dite Cour Provinciale d'appel, a par son dit Jugement du vingt Janvier 1808, admis, approuvé, sanctionné et reconnu les prétensions et droits desdits Hyacinthe Marie Delorme, Claude Deschamps et Pierre Dominique DeBartzels, tels qu'énoncés, exposés et soutenus dans les dites exceptions et défenses qu'ils fournirent, comme dit est, à la dite demande ou action de bonnage intentée contre eux par le dit Jonathan Sewell, pour et au nom de notre Souverain Seigneur le Roi d'alors, ce qui résulte tant des termes du dit Jugement que de la nature de la contestation en laquelle est intervenu ce jugement.

Les dits Défendeurs actuels alléguent en outre que le bonnage réclamé par la présente demande ou information est le même que celui demandé par l'action susdite en bonnage intentée contre les dits Hyacinthe Marie Delorme, Claude Deschamps, et le dit Pierre Dominique DeBartzels l'un des Défendeurs actuels et que cette demande en bonnage auroit pour objet de faire fixer la même ligne que celle dont il est question en la présente cause, les dits Défendeurs ajoutant que la ligne désignée dans la déclaration produite et filée en la dite première cause ou instance n'auroit été, comme suit, savoir: "The line on the South West of Kesb  
à dire de la dite Seigneurie de S. Hyacinthe par le dit



„upper side lui's thereof on the said river / C'est à dire la Rivière  
„Alaska / est la même ligne que celle désignée en l'informa-  
„tion en la présente cause.“

Que les dits Défendeurs actuels ou tout ce que dessus,  
sont bien fondés à opposer à la présente information  
ou demande en bonnage l'exception de litis pendance, et à  
demander le renvoi de la dite information, sauf aux parties  
à procéder comme de droit sur l'action en dite en  
bonnage encore pendante devant cette Honorable Cour.

Pourquoi les dits Défendeurs concluent à ce que  
cette Honorable Cour faisant droit sur leur présente  
demande d'exception de litis pendance, la déclare bien  
fondée, et ce faisant, déclare le dit Honorable Louis  
Hyppolite La Fontaine non recevable en sa dite infor-  
mation ou demande en bonnage et lui débente  
avec dépens, sauf aux parties à procéder comme  
de droit sur l'action en bonnage déjà pendante  
comme dit est entre elles.

Pour les dits Défendeurs  
Charles Dorion  
Act.

Et les dits Défendeurs, sans préjudice à tout ce que  
dessus, dont ils entendront se prevaloir, se réservent tout  
l'avantage, et sous les mêmes dénégations, disent pour  
autre exception péremptoire à l'information ou demande  
en bonnage intervenue contre eux par le dit Honorable  
Louis Hyppolite La Fontaine qu'elle ne peut être main-  
tenue pour plusieurs raisons à deduire de plein droit  
et entre autres pour les suivantes.

Dans le Terme d'octobre 1805 en cette Honorable Cour  
Jonathan Sewell, Ecuyer, alors Procureur Général de Notre  
Souverain Seigneur le Roi d'alors dans et pour le ci-  
devant Province du Bas Canada, intenta pour et au  
nom de notre Souverain Seigneur le Roi d'alors, contre  
Hyacinthe Marie Delorme, Ecuyer, de S<sup>t</sup> Hyacinthe, Claude  
Dreuchaud, Ecuyer, de Québec, et le dit Pierre Dominique  
Debartzel, l'un des Défendeurs actuels, et ce, comme Seigneur  
en possession de la Seigneurie de Saint Hyacinthe, la même  
que celle mentionnée et désignée en l'information



Une action en homage, le dit Jucithan Jewell, ayant fait dans et par la dite action de homage, les allegués suivants, et ayant pris les conclusions qui suivent également, le tout en langue anglaise, et comme suit savoir.

"For that whereas on the twenty third day of September  
 " in the year of Our Lord 1748, Rolland Michel Chevalier,  
 " Marquis de la Galissoniere, Commandant General of New  
 " France et Francois Bigot, Ecuyer, Instructant, by virtue  
 " of the Power and authority given to them by His most  
 " Christian Majesty did give and grant to Francois Rigaud,  
 " Ecuyer, Seigneur of Vandrevil, a certain tract of land in  
 " the said District of Montack, described as follows in the  
 " front thereof herewith produced in the Honorable Comt  
 " Conception de six lieues de front, le long de la Riviere  
 " Maska, sur trois lieues de profondeur de chaque costé de  
 " la dite Riviere, les dites six lieues de front à prendre  
 " à sept lieues de l'embouchure de la dite Riviere, qui sont  
 " les demies terres concédées; which said grant was thus made  
 " to the said Francois Rigaud, Ecuyer, à titre de Fief et Seigneurie  
 " subject amongst other things to do and render Fealty and  
 " homage at the Castle of S<sup>t</sup>. Louis, at Quebec, and whereas  
 " afterwards to wit on the thirtieth day of April, in the  
 " year of Our Lord 1748. the said grant of the said  
 " tract of land was by Brevet de ratification of His most  
 " Christian Majesty confirmed to the said Francois Rigaud  
 " Seigneur de Vandrevil, by virtue of which said grant  
 " and the said ratification thereof the said Francois Rigaud  
 " Seigneur de Vandrevil by virtue of which said grant and the  
 " said ratification thereof, the said Francois Rigaud, Ecuyer,  
 " became entitled to have and take as the limits of  
 " the said Fief and Seigneurie, six leagues in front along  
 " the said River Maska beginning at the distance of  
 " seven leagues from the mouth of the said River, and from  
 " the two extremities of the said six leagues in front, three  
 " leagues on each side of the said River which said three  
 " leagues on each side of the said River are to be found within  
 " two lines to be drawn on each side of the said River perpen-  
 " dicularly at right angles, to the said line of six leagues  
 " in front from the two extremities thereof.

J



"which said Fief and seigniorie known and called by the name,  
 "of the seigniorie of Saint Hyacinthe de la Riviere de Masked  
 "the said Defendants are now in possession: And whereas  
 "since the said Fief and Seigniorie was granted to the said  
 "Thomas Rigaud, one of the side lines thereof, to wit, the line on  
 "the South thereof, being the upper side line thereof on the said  
 "River, bounding on the lands of Our said Lord the King,  
 "hath at no time been law fixed and established nor  
 "any boundaries thereon planted to mark out and define  
 "in that part the limits of the said Fief and Seigniorie  
 "an action hath accrued to the said Attorney General  
 "on the part and behalf of Our said Lord the King  
 "to compel the said Defendants to run the line  
 "and establish the boundaries on the South side of  
 "the said Fief and Seigniorie of S<sup>r</sup>. Hyacinthe adjoining  
 "to the lands of His said Majesty agreeably to the said  
 "part of the said Fief and Seigniorie and in manner  
 "as is hereinafore described."

"Wherefore the said Attorney General on the part  
 "and behalf of Our said Lord the King brings suit  
 "and prays that by two or more sworn Surveyors to be  
 "respectively named by him the said Attorney General  
 "and the said Defendants and in default thereof by the  
 "Court the side line of the said Fief and Seigniorie of  
 "S<sup>r</sup>. Hyacinthe to the South of the said Seigniorie on  
 "each side of the said River Masked being the upper  
 "side line thereof on the said River may be run to  
 "separate and divide the said Fief and Seigniorie on that  
 "side from the lands of His said Majesty, and that thereon,  
 "at proper places and distances, boundaries to fix the  
 "limits between the said Fief and Seigniorie of S<sup>r</sup>. Hyacinthe  
 "and the lands of His said Majesty may be placed  
 "and planted by the said Surveyors, the whole at the  
 "proper costs and charges of the said Defendants."

"That the lands of His said Majesty which it may  
 "be found that the said Defendants hath encroached on  
 "and taken may be restored to Our said Lord the King by  
 "the said Defendants with all the fruits, revenues, rents,  
 "issues and profits thereof, which the said Defendants



"Have received since their unjust possession thereof, and that  
 "the said Defendants be advised and enjoined not to encroach  
 "improperly hereafter on the lands of Our said Lord the King,  
 "and for having done so that they may be adjudged and  
 "condemned to pay to Our said Lord the King his damages,  
 "interest and Costs."

L'a cette demande d'action en bonage les dits Hyacinthe  
 Marie Delorme, Claude Deu'chaud et Paris Dominique  
 De Bantzels opposerent et produisirent, le quinze Octobre  
 1805, des exceptions et defenses, par lesquelles ils preten-  
 dirent que la demande faite contre eux par le dit  
 Jonathan Sewell, Ecuyer, Procureur General, au nom de  
 Notre Souverain Seigneur le Roi etoit irregulierement formee  
 et qu'il ne pouvoit soutenir cette action en la maniere  
 et forme par lui adoptees pour plusieurs, et entre autres  
 pour les suivantes, qu'ils exposeent dans les dites excep-  
 tions et defenses et accompagnerent de conclusions spe-  
 ciales par eux prises a cet effet, le tout comme suit  
 savoir.

1<sup>o</sup> " Parceque Son Excellence le Lieutenant Gouverneur  
 " de cette Province, avoit, en conseil, decide de faire tracer  
 " et fixer les justes limites de la Seigneurie de S<sup>te</sup> Hyacinthe  
 " suivant les titres des dits Defendants, et notamment le  
 " titre de conception d'icelle, en date des vingt trois Septembre  
 " 1748. et brevet de ratification de Sa Majeste tres Chrestienne  
 " du trente Avril 1749. ainsi qu'il appert par une lettre du  
 " neuf Janvier, mil huit cent un de la part de M<sup>re</sup> Jean  
 " Niteau Ryland, Ecuyer, Secretaire du dit Conseil a Hyac-  
 " cinthe Marie Delorme, Ecuyer, un des dits Defendants."

2<sup>o</sup> " Que M<sup>re</sup> Jean M<sup>re</sup> Cahy, arpenteur Gene, nomme pour  
 " constater l'etendue et fixer les bornes, limites, et ligne  
 " de separation de la Seigneurie de S<sup>te</sup> Hyacinthe, avoit  
 " en vertu d'un warrant en vertu de Son Excellence  
 " le Lieutenant Gouverneur de cette Province, en son Con-  
 " seil, a cet effet, effectivement mesure et constate l'eten-  
 " due, et fixe les bornes d'icelle, ainsi qu'il paroit par  
 " les proces verbaux faits par le dit M<sup>re</sup> Cahy  
 " en date du seize Mars, 1801. et du neuf Mars 1802. et  
 " les plans y annexes, ftes avec les presents



3<sup>o</sup> Que par les dits plans et procès Verbaux du dit Jere-  
 „ mial McCarthy, il est vraiment et légalement constaté  
 „ que la dite Seigneurie de S<sup>t</sup>. Hyacinthe auroit un déficit  
 „ du côté du Nord Ouest d'icelle de la quantité de dix  
 „ sept mille deux cent trente arpens en superficie, et  
 „ que le dit Jermial McCarthy auroit pour compléter  
 „ aux dits Défendeurs, ainsi qu'il lui étoit enjoint, la  
 „ totalité de leurs titres sus mentionnés et conformément  
 „ aux lois et usages suivis en ce pays même sur les  
 „ terres non-concédées de Sa Majesté au Sud Est de la  
 „ dite Seigneurie de S<sup>t</sup>. Hyacinthe, le complément de  
 „ la dite Seigneurie contenant la même quantité d'  
 „ arpents que contenant le déficit susdit, parce que le  
 „ dit déficit que souffroit la dite Seigneurie de  
 „ S<sup>t</sup>. Hyacinthe au Nord Ouest d'icelle dont se plaignoient  
 „ les dits Défendeurs, ne provenoit pas d'aucune inopi-  
 „ tation de la part des Seigneuries environnantes d'icelle  
 „ mais bien de la priorité des titres de dites Seigneuries,  
 „ ainsi qu'il appert par le dit procès Verbal du dit  
 „ Jermial McCarthy, du neuf Mars, 1802, et par le  
 „ dit plan y annexé.”

4<sup>o</sup> Que le vingt trois Mars, 1803, le Conseil Exécutif  
 „ de cette Province auroit pris en considération les dits  
 „ plans et procès Verbaux, et auroit ~~pris en considéra-~~  
 „ tion par un rapport d'un Comité de tout le dit  
 „ Conseil approuvé par son Excellence le Gouverneur  
 „ Gouverneur de cette Province résolu de ratifier et  
 „ sanctionner, et auroit en effet sanctionné et ratifié  
 „ les dits plans et procès Verbaux, et auroit résolu  
 „ d'accorder et auroit en effet accordé aux dits  
 „ Défendeurs l'indemnité du déficit susdit en la  
 „ manière suivante savoir; en leur permettant de prendre  
 „ le complément de la dite Seigneurie de S<sup>t</sup>. Hyacinthe  
 „ au Sud Est d'icelle et dans l'endroit projeté par le  
 „ dit Jermial McCarthy dans ses plans et procès Verbaux  
 „ susdits sur les terres non concédées de Sa Majesté. —

5<sup>o</sup> Qu'en tout événement les Défendeurs ont droit  
 „ à l'Étendue de Terres qui comportent leurs titres  
 „ et notamment trente six lieues en superficie au moins



« les dits titres de leur propriétés le démontrent et ainsi que  
 « les dites opérations, plans et procès verbaux ci-devant  
 « mentionnés l'établissent, et que, vu le déficit qui se trouve  
 « du côté du nord ouest de la Rivière de l'Alaska pour  
 « former toute la superficie à laquelle leurs dits titres  
 « leur donnent droit, il / le dit déficit / doit nécessairement  
 « être rempli, comme il a été réellement fourni aux dits  
 « Défendeurs, en la manière saive et désigné par les dits  
 « plans et procès Verbaux. »

6<sup>e</sup>. "Que les dits Défendeurs n'ont en aucune manière  
 « quelconque, impiété sur les Terres de notre Souverain Seig-  
 « neur le Roi."

"Pourquoi les dits Défendeurs concluent à ce que les  
 « prétensions énoncées en la déclaration du dit Jonathan  
 « Sewell, Ecuyer, Avocat Général, en sa qualité, étant dé-  
 « clarées inadmissibles tant par rapport à la forme de  
 « l'assentement même demandé que par rapport à l'ar-  
 « pentage même que les opérations du dit Juenialdo  
 « M<sup>c</sup>Carthy, et notamment ses dits Procès Verbaux  
 « du seize mars 1801. et du neuf mars 1802. et ses plans  
 « y annexés soient déclarés bons, valables et suffisants  
 « et que les bornes plantées par le dit Juenialdo M<sup>c</sup>Carthy,  
 « conformément aux plans et procès Verbaux susdits  
 « soient réputées les vraies bornes de séparation entre les  
 « parties, ce faisant que les dits plans et procès Verbaux  
 « sanctionnés et approuvés, comme dit est, en le Conseil des  
 « cette Province le vingt trois Mars 1803. soient homologués  
 « par cette Honorable Com pour être suivis et exécutés sui-  
 « vant leur forme et teneur conformément aux droits de dits  
 « Défendeurs résultant de titres qu'ils produisent et qu'ils  
 « ont déjà produits de leur possession et propriété comme  
 « ils ont entendu et entendront faire valoir que les  
 « dits Défendeurs soient maintenus dans la possession  
 « et propriété du dit Complément de la dite Seigneurie  
 « de S<sup>te</sup> Magaculle situé au Sud est d'icelle de la contenance  
 « de 17230 arpens en superficie, tel qu'il est désigné dans  
 « les dits plans et procès Verbaux, et enfin à ce que  
 « les dits titres des dits Défendeurs soient remplis et  
 « que la dite quantité de terrain de <sup>la dite</sup> ~~la dite~~ terres



"lièges en superficie, suivant les principes et la maniere  
 "établis par les dites opérations du dit Jereuial  
 "McCarthy à laquelle superficie ils ont réellement  
 "droit soit déclaré leur appartenir, comme en effet  
 "elle leur appartient, le tout avec depens."

Lors le dit Procureur General, Jonathan Sewell,  
 produisit, le trente un Janvier, 1806. des réponses et  
 des répliques aux dites exceptions et defenses lesquelles  
 réponses et répliques contenoient les allegues  
 suivants savoir. —

"That the said Jereuial McCarthy Deputy Surveyor  
 "of and for the Province of Lower Canada mentioned in  
 "the plea of the said Defendant in the survey  
 "made by him between the Crown Lands and the  
 "Fief & Seigneurie of St. Hyacinthe acted wholly  
 "and entirely contrary to the instructions given to  
 "him by government for that purpose, and if the  
 "quantity of 67230 arpents in superficie should be  
 "wanting of the said Fief and Seigneurie to make the  
 "superficial quantity of thirty six leagues, which the  
 "said Attorney General wholly denies to be true. — Yet  
 "the said Attorney General saith that the said Defen-  
 "dants have not a right to demand and do now  
 "the same made up to them by an equal quantity  
 "to be taken on the lands of the Crown."

"And the said Attorney General further saith  
 "that the Seigneuries of St. Ours, St. Denis, St. Francois  
 "Rouville and Monnoir or Ramsay to the North West  
 "of the said River Maska were granted prior in date  
 "to the said Fief of St. Hyacinthe, and that the said  
 "Fief and Seigneurie of St. Hyacinthe is not a grant of  
 "thirty six leagues superficial measure but on the con-  
 "trary the same was granted to contain six lieues  
 "de front de la Riviere de Maska sur trois lieues  
 "de profondeur de chaque côté de la dite Riviere. —  
 "That the same fief and Seigneurie was acquired by  
 "the predecessors of the said Defendants by grant  
 "donation and gift from the Crown, upon which con-  
 "tract the law imposes no warranty, that if in  
 "the



"the part of the said Defand Seigneur, to the said prede-  
 "cessors of the said Defendants, the whole quantity of  
 "lands of three leagues in depth is not to be found  
 "on the north West side of the said river, if the deficit  
 "arise from the said part, prior in date to the said  
 "Seignior of S<sup>r</sup> Myacinte, the intention of the Crown  
 "was to grant, at most, to the predecessors of the  
 "said Defendants the quantity of lands on the said  
 "north West side of the said River Marika which  
 "then remained ungranted, and the said Defendants  
 "have a right to no more lands on the said north  
 "West side of the said river than may be found  
 "in that space ungranted at the period of the part  
 "of S<sup>r</sup> Myacinte, that they had a right to no more  
 "than the quantity of lands not previously granted,  
 "which might be found on the north West side  
 "of the said River Marika, and to six leagues along  
 "the river by three leagues in depth on the south East  
 "side of the said river more than ten years past  
 "did plant boundaries at the distance of about  
 "six leagues from the last grants below the said  
 "Defand Seignior of S<sup>r</sup> Myacinte, on the said river,  
 "which boundaries were intended by the said Defen-  
 "dant to serve for the upper line of division of the  
 "said Defand Seignior from the Crown lands and  
 "beyond which boundaries the limits of the said  
 "Defand Seignior on the said upper side line  
 "thereof to the south cannot be extended, but on the  
 "contrary the same should be placed yet lower  
 "down the river, and all this the said Attorney General  
 "is ready to verify."

Que le dourr Ferner suivant les dits Myacinte  
 Marie Delorme, Claude Deschamps, et Pierre  
 Dominique DeBartzel, fonnent leurs repliques  
 aux reponses du dit Procureur contenant les  
 dites repliques les allegues suivants savori."

M<sup>r</sup> Jermiah McCarthy a reellement et fidellement  
 suivi les instructions à lui donnees, ainsi qu'il  
 paroit par l'approbation que le General en Chef



„à donné à ses démarches, le vingt trois Mars 1803. et que les  
 „Défendeurs ont bien réellement droit à la quantité de 17230.  
 „Arpens qui leur manquent pour compléter leurs titres et  
 „droits à la quantité de trente six lieues en superficie  
 „question au reste déjà décidée comme il est allégué par  
 „les Défendeurs en leur faveur suivant les pièces et aux  
 „termes et titres qu'ils produisent au soutien de leurs ex-  
 „ceptions. —

„Que la Couronne est tenue de garantir aux dits Défens-  
 „deurs la quantité de Terrain que comportent leurs dits  
 „titres qu'en outre dans le cas présent la dite concession  
 „de la Seigneurie en question doit être remplie, et ce,  
 „d'autant plus que cette concession étant un bienfait  
 „du Prince doit être interprétée favorablement en faveur  
 „des Défendeurs, et que le Gouvernement a reconnu  
 „et confirmé ce principe en ratifiant et approuvant  
 „les opérations du dit Seigneur M<sup>c</sup>Carthy le vingt  
 „trois Mars 1803. —

„Que quant à l'endroit ou les dits Défendeurs  
 „ont droit de prendre le terrain qui leur manque  
 „la place en à déjà été suffisamment marqué  
 „et désigné, et que ce point est désigné aussi bien  
 „que le principe d'indemnité si mal à propos con-  
 „testé en cette cause. —

„Que les allégués qui regardent le mesurage fait  
 „de la Seigneurie des Défendeurs impliquent une  
 „contradiction manifeste avec la déclaration et  
 „les principes qu'on a prétendus invoquer en la présente  
 „action, mais qu'après tout les limites de la Seigneurie  
 „en question ayant été établies et également  
 „fixées et le principe d'indemnité par eux réclamé,  
 „décidé et établi en leur faveur, ainsi que la place  
 „ou il doit avoir lieu suivant la décision du Conseil  
 „du vingt trois Mars 1803. —

„Que sur cette instance ainsi introduite contre les  
 „dits Narcisse Marie Delorme, Claude Deuchaud,  
 „et Pierre Dominique DeBartzels de la part de notre  
 „Souverain Seigneur le Roi, est intervenus en la dite Cour  
 „du Banc du Roi pour le District de Montréal



le vingt avril 1807, dans les termes suivants, Savoir:—  
 "The Court having heard the Solicitor General on the  
 "part of Our Sovereign Lord the King, and the Defendants  
 "by their Counsel, and examined the proceedings and  
 "exhibits filed of record in this cause. It is adjud-  
 "gated and ordered, that the lands of the Defendants ad-  
 "joining to those of the Crown situated on the River  
 "Maska be surveyed and boundaries fixed between  
 "them by two sworn Surveyors hereafter to be named  
 "one on the part of the Crown and another by the  
 "Defendants, and a default of either of the parties  
 "so naming a Surveyor as above stated, to be named  
 "and appointed before one of the Judges of this Court,  
 "within thirty days, that the Survey aforesaid be made  
 "and the boundaries fixed conformable to a grant  
 "of the Marquis de la Galopierie, Commander in Chief  
 "of the New France, and Francois Rigot, Intendant  
 "bearing date the twenty third day of September 1748.  
 "and ratified by his most Christian Majesty, the  
 "thirtieth day of April, 1749, and that a report be  
 "made of the Survey aforesaid to this Court on the  
 "tenth day of June next."

Que les dits Hyacinthe Marie Delorme, Claude  
 Duceclaud et Benie Dominique Desbattres ayant  
 apette appel devant la Cour Provinciale d'appel, sé-  
 -grant en la ville de Quebec, District de Quebec,  
 du dit Jugement du vingt avril 1807 la dite  
 Cour d'appel a finira le dit Jugement par son  
 Jugement du vingt Janvier, 1808. Comme dans les  
 termes suivants Savoir:—

"The Court having heard the parties by their Counsel,  
 "considering that the Judgment appealed from orders  
 "a survey already made by consent of the respective  
 "parties, and that the Court below has sufficient mat-  
 "ter before it to direct the boundaries that ought to  
 "be made between the said parties according to  
 "their respective titles, rights and pretensions, reverse  
 "the said Judgment and orders that the record be  
 "remitted to the Court below to be further proceeded  
 upon



"upon by the said parties as they shall be advised".

"Les par apres, savoir, le vingt Fevrier, 1814, devant  
 "la dite Com du Banc du Roi pour le District de Mon-  
 "real; Stephen Sewell, Ecuyer, alors Solliciteur General  
 "de notre Souverain Seigneur le Roi d'alors produisit  
 "et fita dans ladite Cause No 100 pour et au nom  
 "de notre dit Souverain Seigneur le Roi, une demande  
 "ou information a l'effet d'assigner devant la dite  
 "Com en reprise d'instance Jean Desaulles, Ecuyer, de  
 "Noyacuitte, dans le District de Montreal, c'est a  
 "dire le dit Jean Desaulles mentionné et denommé  
 "en la presente information du dit Honorable Louis  
 "Hypolite LaFontaine sous le nom de l'Honorable  
 "Jean Desaulles, le dit Stephen Sewell alleguant entre  
 "autres choses, dans sa dite information ou demande  
 "en reprise d'instance, que le trois Fevrier 1814, le dit  
 "Noyacuitte Marie Delorme par acte passé devant M<sup>rs</sup>  
 "Papineau au Doucet, Notaire, fit son testament et par  
 "icelui institua le dit Jean Desaulles son legataire  
 "universel, ensuite de quoi savoir, le treize Mars 1814,  
 "le dit Noyacuitte Marie Delorme decéda, sans avoir  
 "changé son testament et laissa le dit Jean Desaulles  
 "representant seul la succession comme son legataire  
 "universel le dit Stephen Sewell en dite qualité de  
 "legataire universel le dit Stephen Sewell en dite qualité  
 "de Solliciteur General pour et au nom de notre  
 "Souverain Seigneur le Roi, concluant par sa dite  
 "information a ce que le dit Jean Desaulles, en dite  
 "qualité de legataire universel fut tenu de reprendre  
 "au lieu du dit Noyacuitte Marie Delorme, l'instance  
 "dans la dite Cause N<sup>o</sup> 100 pendante comme dit est,  
 "contre notre Souverain Seigneur le Roi, et les dits  
 "Noyacuitte Marie Delorme, Claude Deschamps et  
 "Pierre Dominique DePartzel, et a faute par lui de le  
 "faire, a ce que la dite instance demeureroit pour re-  
 "prise, le dit Stephen Sewell ayant en outre mon-  
 "tré les conclusions déjà prises dans la demande  
 "originale en bonage contre les dits Noyacuitte  
 "Marie Delorme, Claude Deschamps et Pierre



„ Dominique DeBartzels. —

„ Que la dite instance fut et demeura en conséquence de  
 „ ce que ci-dessus reprise par le dit Jean Desaulles. —

Que le dit Jean Desaulles étant décédé se trouve main-  
 tenant représenté par les Défendeurs actuels, la dite  
 Dame Marie Rosalie Papineau et le dit Défendeur Louis  
 Antoine Desaulles, et ce, comme suit savoir; la dite  
 Dame Marie Rosalie Papineau tant comme ayant été  
 Commune en biens avec le dit feu Honorable Jean Desaulles  
 et aussi en sa qualité de Donataire Contumier que  
 comme Tutrice à deux enfans mineurs et héritiers issus  
 de son mariage avec le dit feu Jean Desaulles et pour  
 le dit Défendeur Louis Antoine Desaulles, l'autre  
 héritier. —

Les dits Défendeurs ajoutent que le dit Pierre Domini-  
 que DeBartzels et les héritiers du dit feu Honorable  
 Jean Desaulles sont aux droits du dit Claude Deschamps  
 et le représentent, et ce en vertu d'un acte  
 d'accord et transaction en date du treize Novembre  
 1810. reçu devant M<sup>re</sup> Boudages et son confrère  
 Notaires, à St. Hyacinthe, passé entre le dit  
 Hyacinthe Marie Delorme, le dit Claude Deschamps,  
 et le dit Pierre Dominique DeBartzels, et en vertu  
 duquel le dit Claude Deschamps cède et transporte  
 au dit Pierre Dominique DeBartzels, et au dit Hyaci-  
 nthe Marie Delorme, l'auteur du dit feu Ho-  
 norable Jean Desaulles tous les droits qu'il pourroit avoir  
 et prétendre comme usufructier pour un quart dans la  
 dite Seigneurie de St. Hyacinthe, ainsi que le tout est  
 plus au long expliqué au dit acte d'accord et trans-  
 action. —

Les dits Défendeurs actuels allèguent en outre que  
 le bonnage réclamé par la présente demande ou  
 information est le même que celui demandé pour  
 l'action susdite en bonnage intentée contre les dits  
 Hyacinthe Marie Delorme, Claude Deschamps et le  
 dit Pierre Dominique DeBartzels les Défendeurs ajoutant  
 que la ligne deigné dans la déclaration produite  
 et filé en la dite première cause en instance



numero Caut Comme suit Savoir :- The lieu on the South thereof / C'est a dire de la dite Seigneurie de St-Nicolas / being the upper side lieu thereof on the said River, (C'est a dire la riviere Marka la Riviere Marka) est la même ligne que celle designée en l'information en la présente cause.

Les dits Défendeurs disent en outre que par son dit Jugement du vingt Janvier 1808 la Cour d'appel a adjugé sur les prétentions respectives des parties et a admis, reconnu et sanctionné celles des dits Royceville, Marie Delorme, Claude Deueclaud et Pere Dominique de Bantz, telles qu'énusées dans leurs exceptions et defenses ci-dessus mentionnées; que notamment la dite Cour d'appel en déterminant comme elle l'a fait qu'il y avait eu déjà un bonage entre les dites parties lequel avoit eu lieu de leur consentement, elle a sanctionné par la même les opérations et bonages du dit Frouard McCullery dont est question ci-dessus; qu'enfin il résulte des termes aussi bien que de la teneur du dit Jugement que la Couronne se trouve exclue du droit de pouvoir demander un nouveau bonage, comme le fait et le prétend au son nom le dit Honorable Louis Hippolyte LaFontaine par l'information en demande en bonage intentée par lui contre les Défendeurs actuels.

Pourquoi les dits Défendeurs concluent à ce que la dite information en demande du dit Honorable Louis Hippolyte LaFontaine soit deboutée et renvoyée avec depens :-

Pour les dits Défendeurs  
 Cherrier & Dorion  
 av<sup>ts</sup>

Et les dits Défendeurs, sans prejudice à tout ce que dessus dont ils se réservent tout l'avantage et sous les mêmes dérogations devant pour autre exception peremptoire à l'information en demande en bonage intentée contre eux par le dit Honorable Louis Hippolyte LaFontaine qu'elle ne peut être maintenue pour



plusieurs raisons à déduire de plein droit, et cela toutes pour les suivantes:—

Le vingt trois Septembre 1748. à Québec, Rallant Michel Barrin, Chevalier Marquis de la Galopiniere, Commandant General de la Nouvelle France, et François Bigot, Intendant, au dit Pays, concédèrent à François Regaud, Ecuyer, Seigneur de Vanducil, Chevalier de l'Ordre Royal et Militaire de S<sup>t</sup>. Louis et Tenancier du Roi de France, des place et Gouvernement de Québec, une étendue de terre de six lieues de front de long de la Rivière de Maska, sur trois lieues de profondeur de chaque côté de la dite Rivière; de Maska, sur; Les dites six lieues de front à prendre à sept lieues de l'embouchure de la dite Rivière, alors les dernières terres concédées, le tout à titre de Fief et Seigneurie, la dite concession faite sur requête du dit Concessionnaire et aux conditions exprimées en l'acte de concession du dit jour vingt trois Septembre 1748. duquel acte de concession les Défendeurs produisirent une copie authentique au soutien des présentes.—

Le trente avril 1749, à Versailles, Sa Majesté très Chrétienne Louis XV Roi de France, ratifia et confirma la dite concession par Brevet par lui signé, lequel Brevet de confirmation et ratification dûment enregistré au Registre du Conseil Supérieur à Québec le vingt neuf Septembre 1749. est aussi produit au soutien des présentes.—

Le par acte de vente passé le vingt cinq d'octobre 1753, devant M<sup>te</sup> DuLaurent et son confrère Notaires, le dit François Regaud, Ecuyer, Seigneur de Vanducil, vendit et abandonna la Seigneurie plus haute dévite à Hyacinthe Simon Delorme à ce présent et acceptant pour les causes et considérations et aux conditions exprimées au dit acte de vente, lequel Hyacinthe Simon Delorme prit possession de la dite Seigneurie, et en rendit dûment foi et Hommage, à raison d'icelle, le vingt quatre de Janvier 1754.—



Que Son Excellence le Lieutenant Gouverneur d'alors pour la ci-devant Province du Bas Canada, dès avant le neuf Février, 1801. décida de faire tirer et fixer les justes limites de la dite Seigneurie de St. Hyacinthe, suivant les titres des Seigneurs d'icelle, et notamment le dit titre de Conception d'icelle en date du vingt trois Septembre 1748. et le dit Brevet de Rectification par Sa Majesté très Chrétienne du trente avril 1749. —

Que Jereimiah McCaullty, Arbitreur Juré, nommé pour le Gouvernement Exécutif de la ci-devant Province du Bas Canada pour constater et fixer les bornes, limites et lignes de séparation de la dite Seigneurie de St. Hyacinthe, mesura et constata effectivement l'étendue et fixa les bornes d'icelle, ainsi qu'il paroit par les procès Verbaux faits par le dit Jereimiah McCaullty savoir, le premier, en date du seize Mars 1801. et le plan y annexé en date du onze Mars 1802, produits au soutien de présentes, et auxquels les Défendeurs réfèrent, comme en faisant partie. —

Que par les dits Mars et procès Verbaux du dit Jereimiah McCaullty et notamment le dit procès Verbal du neuf Mars, 1802. il fut vraisimment et légalement constaté que la dite Seigneurie de St. Hyacinthe avoit un déficit du côté du nord ouest de la dite Rivière de Maskou, de la quantité de 17230 arpens mesure française, en superficie, et que le dit Jereimiah McCaullty pour compléter aux Seigneurs propriétaires de la dite Seigneurie ainsi que cela lui étoit requis, la totalité de l'étendue et contenance exprimées dans leurs titres sus-mentionnés, et conformément aux lois et usages suivis en ce pays, avoit mesuré sur les terres non concédées de Sa Majesté le complément de la dite Seigneurie contenant la même quantité d'arpent que renfermoit le déficit ou dit que



que souffroit et éprouvoit la dite Seigneurie de Saint  
 Hyacinthe au Nord Ouest d'icelle, dont se plaignoient  
 les Seigneurs propriétaires d'icelle, ne provenoit pas  
 d'aucune usurpation de la part des Seigneurs voisins  
 mais bien de la priorité des titres des dites Seig-  
 neuries, ainsi qu'il appert par le dit Procès  
 Verbal du dit Serenialh McCutly du neuf Mars  
 1802, et par le dit plan y annexé.

Que le dit Serenialh McCutly par son opération  
 telle que constatée par le dit Procès Verbal  
 du neuf Mars 1802, et le plan du onze Mars 1802  
 y annexé, tira et fixa en effet la ligne sud-  
 Ouest de la dite Seigneurie de S<sup>te</sup> Hyacinthe,  
 c'est à dire celle que la présente information au  
 demandeur en bornage a pour objet de faire  
 tirer, que non seulement le dit Serenialh  
 McCutly tira et fixa la dite ligne, ainsi qu'il  
 y étoit autorisé, mais planta des bornes de  
 pierre avec des morceaux de faïence dessous  
 dans la susdite ligne sud ouest, qui sépare  
 la dite Seigneurie de S<sup>te</sup> Hyacinthe du reste  
 du Township de Fambourne; lesquelles lignes  
 et bornes qui existent encore sont aux termes  
 du dit Procès Verbal du neuf Mars 1802 pour  
 séparer la dite Seigneurie de S<sup>te</sup> Hyacinthe du reste  
 du dit Township de Fambourne; les dits Défendeurs  
 disent de plus que les opérations et Procès Verbaux  
 du dit Serenialh McCutly sus mentionnés et  
 notamment le bornage constaté par le dit Procès  
 Verbal du neuf Mars 1802 ont été confirmés et ratifiés  
 par le Gouvernement Exécutif de la ci devant  
 Province du Bas Canada, ainsi qu'il appert par  
 des extraits des délibérations du Conseil Exécutif  
 de la dite Province, et rapports de Comité d'icelui,  
 et entre autres ceux du quatorze avril 1801, et des  
 deux et cinq Mars 1803, les quels ont été depuis dus-  
 sement approuvés par le Gouverneur ou administrateur  
 d'alors.

Que notamment le ou vers le Archives de la Ville de Montréal le  
 Conseil



Conseil Executif de la dite Province du Bas Canada fut en considé-  
 ration les dits plans et procès Verbaux et par un rapport du  
 Comité de tout le dit Conseil approuvé depuis par Son  
 Excellence le Lieutenant Gouverneur de la dite Province  
 résolut de ratifier et sanctionner, et en effet sanc-  
 tionna et ratifia les dits plans et procès Verbaux,  
 et voulut d'accorder, et accorda en effet aux dits  
 Seigneurs de S<sup>t</sup>. Hyacinthe, l'indemnité du déficit ou  
 défaut de contenance susdit en la manière suivante  
 savoir; en leur permettant de prendre le complément  
 de la dite Seigneurie de S<sup>t</sup>. Hyacinthe, dans l'es-  
 duit désigné et projeté par le dit Sr. J. J. O'Connell  
 dans son dit procès Verbal du neuf  
 Mars 1802. et son plan annexé, et ce, sur les  
 terres non concédées de Sa Majesté. Qu'en tout  
 événement les Seigneurs de la dite Seigneurie  
 de S<sup>t</sup>. Hyacinthe ont droit à l'étendue de terres  
 que comportent leurs titres, et notamment  
 toute lue lieue en superficie que leur accordent  
 les titres de leur Seigneurie, et ainsi que les  
 dites opérations, plans et procès Verbaux ci-  
 dessus mentionnés l'établissent et on le déficit  
 ou défaut de contenance du côté du nord  
 Ouest de la Rivière de Maska ou d'Amaska,  
 pour former toute la superficie à laquelle  
 leurs titres leur donnent droit le dit déficit  
 ou défaut de contenance doit nécessairement  
 être rempli comme il a été réellement fourni aux  
 dits Seigneurs en la manière susdite et désigné par  
 les dits plans et procès Verbaux et notamment  
 par le dit procès Verbal du neuf Mars 1802.

Que les dits Seigneurs de S<sup>t</sup>. Hyacinthe ayant  
 été indemnisés par le Gouvernement de cette  
 Province, comme ils devroient en effet l'être  
 par une pareille étendue de terre pour former  
 leur complément à même les terres de la  
 Couronne non concédées, en conformité aux dits  
 plans et procès Verbaux, ont pris possession  
 de cette étendue de terre et en ont toujours  
 joui



joui depuis. —

Que les droits et prétentions des dits Défendeurs, tels qu'exposés ci-dessus ont été reconnus et sanctionnés par un Jugement de la Cour Provinciale d'appel en date du vingt Sauter 1708. intervenu dans la demande en bonnage susmentionnée, intentée contre les Seigneurs de la dite Seigneurie de S<sup>te</sup> Hyacinthe, dont il a été question plus haut, et ainsi que le tout appert par le dit Jugement et les procédés sur la dite demande et instances en bonnage en laquelle il est intervenu; que notamment la dite Cour d'appel a reconnu et déterminé qu'il y avoit, du consentement des parties un bonnage entre les parties et notamment celui dont il est question plus haut et que ce bonnage devoit fixer les limites de la dite Seigneurie.

Les dits Défendeurs allèguent en outre de tout ce que dessus que depuis plus de trente ans avant la présente information ou demande en bonnage intentée contre eux, savoir, depuis les opérations du dit Jureur M<sup>c</sup>Carthy et le rapport du Conseil Exécutif ci-dessus mentionnés et en vertu d'iceux les dits Défendeurs tant par eux mêmes que par leurs prédécesseurs Seigneurs de la dite Seigneurie de Saint Hyacinthe et conjointement avec le dit Défendeur Pierre Dominique DeBartzch ont possédé conformément aux lignes, limites et bornes assignées à la dite Seigneurie de S<sup>te</sup> Hyacinthe, en vertu des plans et procès Verbaux du dit Jureur M<sup>c</sup>Carthy et le rapport du dit Conseil Exécutif susmentionnés. —

Que les dits Défendeurs tant par eux que par leurs prédécesseurs Seigneurs, ont ainsi possédé et joui du complément et étendue de terre qui leur a été assignée en vertu du bonnage susdit et conformément à celui, et ce, pendant l'espace de plus de trente ans avant la présente demande en bonnage et ce venir jusqu'au jour de l'introduction d'icelle savoir, depuis au moins quarante ans continuellement, franchement, publiquement et sans

aucune



aucune iniquitation être âgés et non privilégiés, et au  
 sus et vue et avec l'approbation de la Couronne  
 sus dite que les dits Défendeurs ont droit d'être main-  
 tenus dans la dite possession; que les dits Defen-  
 deurs n'ont jamais outre passé les lignes et  
 limites qui ont été comme dit est, assignées à  
 la dite Seigneurie de S<sup>r</sup> Noyacville, comme sus-  
 dit, en vertu du Procès Verbal, du neuf Mars  
 1802 et du plan y annexé du seize Mars 1802,  
 et se sont toujours renfermés dans icelles, et n'ont  
 commis aucune iniquitation sur les terres de Notre  
 Dame la Reine.

A ces causes les dits Défendeurs concluent à ce  
 que les prétentions énoncées en l'information ou  
 demande du dit Honorable M<sup>r</sup> La Fontaine, Procureur  
 General, étant déclarées inadmissibles tant par  
 rapport à la forme de l'arpentage demandé que  
 par rapport à l'arpentage même, les opérations  
 du dit Jeremiah M<sup>c</sup>Carthy, et notamment les  
 dits Procès Verbaux du seize Mars 1801 et du neuf  
 Mars 1802, et les plans y annexés soient déclarés  
 bons, valables et suffisants, et que les bornes plan-  
 tées par le dit Jeremiah M<sup>c</sup>Carthy conformément  
 aux plans et procès Verbaux susdits, soient ré-  
 putées les vraies bornes de séparation entre les  
 parties ce faisant que les dits plans et procès  
 Verbaux sanctionnés et approuvés, comme dit  
 est, dans et par le conseil Exécutif de la  
 dite Province du Bas Canada soient homologués  
 autant que de besoin par cette Honorable Cour,  
 pour être saisis et exécutés suivant leur forme  
 et teneur conformément aux droits des dits  
 Défendeurs résultant des titres qu'ils produisent  
 et qu'ils ont déjà produits de leur possession  
 et propriété, comme ils ont entendus et  
 voudraient faire valoir; que les dits Défendeurs  
 soient maintenus dans la possession et propriété  
 du dit emplacement de la dite Seigneurie de S<sup>r</sup>  
 Noyacville de la contenance de 17230 arpens.



en superficie, tel qu'il est désigné dans le dit procès  
Verbal du neuf Mars 1802, et enfin à ce que les  
dits titres des dits Défendeurs a la contraance qui  
en résulte soient remplis et complétés et que  
la dite quantité de terrain de trente six lieues  
en superficie suivent les principes et la manière  
établis par les dites opérations du dit Séminaire  
de Castry, a laquelle superficie ils' ont réellement  
droit, soit déclarée leur appartenir, comme  
en effet, elle leur appartenir, concluant enfin  
les dits Défendeurs à ce que la dite information  
ou demande du dit Honorable M. La Fontaine  
soit déboutée et renvoyée, le tout avec depens.

Pour les dits Défendeurs  
Cherrier + Dorion  
C<sup>tes</sup>.

Et les dits Défendeurs pour dépenses au fonds en fait  
à l'information ou demande en bornage du dit  
Honorable Louis Hyppolite La Fontaine, disent que  
tous et chacun des allégués contenus en cette  
information ou demande en bornage sont faus  
et mal fondés en faits.

Pourquoi les dits Défendeurs concluent  
à ce que la dite information ou demande en  
bornage intentée contre eux par le dit Honorable  
M. La Fontaine soit déboutée avec depens.

Montréal, 29 Avril, 1843.

Pour les dits Défendeurs  
Cherrier + Dorion  
C<sup>tes</sup>.



*[Faint, illegible handwriting covering the majority of the page, likely bleed-through from the reverse side.]*



Province of Lower Canada  
 District of Montreal

John Bonner, Curator Plaintiff.

John Kerr Defendant.

John Bonner of the City of Quebec in the District of Quebec in the said Province, merchant, in his Capacity of Curator in due form of law appointed to the vacant estates and succession of the late Charles Noyes, deceased, in his lifetime of the said City of Quebec, merchant, complain of John Kerr of the City of Montreal in the said District of Montreal, Esquire Merchant

For that whereas the said late Charles Noyes, and one Robert Noyes, of Quebec aforesaid, merchant, at the time hereinafter next mentioned, were Copartners in trade using Commerce at Quebec aforesaid under the style or firm of Charles Noyes and Company — And the said John Kerr was a merchant using Commerce at Quebec aforesaid. —

And whereas on their joint account heretofore, to wit, on the twenty ninth day of December which was in the year of Our Lord One thousand eight hundred and twenty eight at Quebec aforesaid, the said Charles Noyes and Robert Noyes, as such Copartners as aforesaid, and the said John Kerr had on their joint account bought and were jointly possessed of, and were equally interested in certain large quantities of oak timber, to wit, Thirty thousand feet of oak timber, of great value, to wit, of the value of one thousand five hundred pounds current money of the said Province, and it was then and there covenanted, promised and agreed by and between the said Charles Noyes and Robert Noyes Copartners as aforesaid of the one part and the said John Kerr of the other part, that the said oak timber should be sold disposed of merchandized and made profit of, for and on the joint account of them the said Charles Noyes and Robert Noyes and of the said John Kerr, and that they the said Charles Noyes and Robert Noyes Copartners as aforesaid, and the said John Kerr should be equally interested in any profit or loss that might arise out of the selling, disposing of and merchandizing, the said oak timber

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And the said Plaintiff in his said  
 Capacity



Capacity further saith that afterwards and at divers times between the said twenty ninth day of December in the year of our Lord One thousand eight hundred and twenty eight and the twenty first day of August which was in the year of our Lord One thousand eight hundred and twenty nine, to wit at Quebec aforesaid the said Charles Noyes and Robert Noyes copartners as aforesaid; and the said John Kerr did jointly purchase and become possessed of divers other quantities of Oak timber, to wit, of One hundred thousand feet of Oak timber of great value, to wit, of the value of Five thousand pounds current money aforesaid, and it was promised, consented and agreed between the said Charles Noyes and Robert Noyes, Copartners as aforesaid of the one part and the said John Kerr of the other part that the said last mentioned timber should be sold, disposed of, merchandized and made profit of, and that the said Charles Noyes and Robert Noyes copartners as aforesaid and the said John Kerr should be equally interested in any profit or loss that might arise out of the selling, disposing of and merchandizing the said last mentioned timber. —

And the said Plaintiff in his said Capacity further saith that, afterwards, to wit, on the said twenty first day of August which was in the year of our Lord One thousand eight hundred and twenty nine, to wit, at Quebec aforesaid, the said Robert Noyes did sell, transfer assign and make over to the said Charles Noyes all and every the share and interest of him the said Robert Noyes of and in the aforesaid several quantities of Oak timber and of the profit or loss which had arisen or should thereafter arise out of the selling merchandizing and disposing of the said several quantities of Oak Timber. —

And the said Plaintiff in his said Capacity further saith that from and after the said twenty ninth day of August which was in the year of our Lord One thousand eight hundred and twenty eight the said John Kerr had the Care — Custody and Management of all and every the quantities of Oak timber aforesaid, and that between the day and year last aforesaid and the said twenty first day of August which was in the year of our Lord Archives de la Ville de Montréal one thousand eight hundred and twenty nine, he the said John Kerr



for and on behalf of himself and of the said Charles Noyes and Robert Noyes, Copartners as aforesaid, did at divers times sell and dispose of divers quantities of the said Oak timber had divers dealings and transactions touching the same and by reason of such sales dealings and transactions did receive into his hands and possession divers sums of money and valuable gains and profits amounting in the whole to the sum of ten thousand pounds Current money aforesaid and the said Plaintiff further saith that after, to wit, on the thirtieth day of June now last past the said Charles Noyes departed this life, at Quebec aforesaid and after, to wit, on the twenty eighth day of June now last past he the said Plaintiff was duly appointed Curator to the vacant estate and succession of the said late Charles Noyes, to wit, at Quebec aforesaid that by reason of the premises the said late Charles Noyes in his lifetime was the said Plaintiff in his said Capacity since the decease of the said late Charles Noyes hath been and is entitled to demand and have of and from the said John Kerr a just and faithful account of the doings, care and management of the said John Kerr in the behalf aforesaid; Yet the said John Kerr although often therunto requested by the said late Charles Noyes in his lifetime and since his decease by the said Plaintiff in his said Capacity did not render nor hath rendered a reasonable account of the premises, or of any part thereof, but hath hitherto refused and still doth refuse to render the same to the said Plaintiff in his said Capacity, Whereby he says he in his said Capacity is injured and hath sustained damage to the value of Five thousand pounds Current money aforesaid.

Wherefore the said John Bourne in his said Capacity brings suit and prays that the said John Kerr may be summoned to be and appear in this Honorable Court on Saturday the fifth day of October instant to answer the premises and that he may then and there be adjudged and condemned to make and render to the said Plaintiff in his said Capacity a true faithful and exact account of all and every the said quantities of Oak timber and of all and every the gains & profits



emoluments sum and sums of money which have come  
 into his possession, custody or power by reason of the  
 sale merchandizing and disposal of the said several  
 quantities of Oak timber, and of his care and manage-  
 ment thereof, and of all and every the debts sum of  
 money claims and demands which have been or are due to  
 or have been or are owing to the said association and joint  
 adventures or concerns between the said Charles Noyes and  
 Robert Noyes Copartners as aforesaid and the said John  
 Kerr and generally of all and singular the concerns of  
 the said association joint adventures or concerns whereof  
 the said John Kerr hath had the care and management  
 and that the said John Kerr be held to give to the said  
 John Bowmer in his said Capacity, communication ac-  
 cording to law and the practice of this Court of all  
 Books of accounts, papers and vouchers in support thereof  
 and in default of a compliance with the premises, or  
 any part thereof, that the said John Kerr be adjudged  
 and condemned to pay and satisfy to the said John  
 Bowmer in his said Capacity the aforesaid sum of  
 Five thousand pounds for and instead of the share of  
 profits balance sum and sums of money which upon  
 the rendering of such account would be coming and  
 due to the said John Bowmer in his said Capacity  
 and further that upon the rendering such account  
 as aforesaid by the said John Kerr he be adjudged  
 and condemned to pay and satisfy to the said John  
 Bowmer in his said Capacity one half or moiety of the  
 gains profits and emoluments which have arisen or been  
 made by the sale merchandizing and disposal of the  
 said several quantities of Oak timber and of other  
 the said dealings and transactions touching the same  
 and also one half or moiety of the value of any  
 part or parts of the said Oak timber which the  
 said John Kerr may have retained in his possession  
 or which he may have converted or disposed of  
 to his own use - the whole with interest and  
 costs of Suit.



District of  
 Montreal

Jonathan H Lawrence & al: Plaintiffs

Thomas Blackwood & al: Defendants:-

Jonathan H Lawrence, of the City of New York one of the United States of America, Merchant and Jonathan Dayton, also of the same place, Merchant Copartners, using trade then under the name or firm of Lawrence & Dayton, Plaintiffs, Complain of Thomas Blackwood, of the City of Montreal in the District of Montreal, merchant, James Rose of the same place merchant, and David David also of the same place, Merchant, and also Austin Cuillier, of the said City of Montreal, Auctioneer and Broker, Thomas Aylwin, now or late of the same place Auctioneer & Broker, and John Harkness also now or late of the same place, Auctioneer & Broker late Copartners and joint dealers using trade there under the name or firm of Cuillier Aylwin and Harkness, Defendants, For that whereas the said Austin Cuillier, Thomas Aylwin, and John Harkness heretofore, to wit, on the fourth day of February which was in the year of Our Lord One thousand eight hundred and six at the City of Montreal aforesaid were indebted to the said Jonathan H Lawrence and Jonathan Dayton, for divers good and legal causes and Considerations in the sum of nine hundred and twenty six pounds thirteen shillings and two pence, Current Money of the Province of Lower Canada, with Interest and being so indebted the said Jonathan H Lawrence and Jonathan Dayton, afterwards, to wit, on the day and year last aforesaid implored the said Austin Cuillier, Thomas Aylwin, and John Harkness, in this Honorable Court for the recovery of the said sum of money, by reason of such Causes and Considerations in the Declaration of them the said Jonathan H Lawrence and Jonathan Dayton in the said Court filed particularly set forth and contained, and afterwards, to wit, on the twentieth day of June now last past, by the Judgment of the said Court, recovered from and against the said Austin Cuillier, Thomas Aylwin, and John Harkness



the said sum of money with interest from the aforesaid fourth day of February which was in the Year of Our Lord One thousand eight hundred and six and costs of Suit taxed at Sixteen Pounds eleven Shillings and two pence current money aforesaid, as by the Record thereof remaining in the said Court fully appears: which Judgment still remains unreversed, unpaid and unsatisfied, And for that the said Austin Cuillier, Thomas Aylwin and John Hartness after they became and were so as aforesaid indebted to the said Jonathan H Lawrence, and Jonathan Dayton to wit, on the fourteenth day of October which was in the year of Our Lord One thousand eight hundred and six at the said City of Montreal, became and were insolvent and Bankrupts, whereof the said Thomas Blackwood, James Daw and David David, afterwards, to wit, on the day and year last aforesaid, there had notice: And For that afterwards, to wit, on the day and year last aforesaid, at the City of Montreal aforesaid, divers monies, Credits, effects goods and Chattles belonging to the said Austin Cuillier, Thomas Aylwin and John Hartness became and were, and since have continued, and now are in the possession, custody and power of the said Thomas Blackwood, James Daw, and David David in which the said Austin Cuillier, Thomas Aylwin, and John Hartness have permitted and still permit the same to be and remain, whereby the said Jonathan H Lawrence and Jonathan Dayton have been and still are prevented and barred from having and obtaining payment and satisfaction of their aforesaid debt or of any part thereof from and out of the said monies Credits effects goods, and Chattles as by law they were and are entitled. And for that afterwards, to wit, on the day and year last aforesaid, at the City of Montreal aforesaid divers other monies Credits, effects, goods and Chattles belonging to the said Austin Cuillier, Thomas Aylwin and John Hartness became and were, and since have been, in the possession, custody, and power of the said Thomas Blackwood, James Daw and David David for the benefit and behoof of all and singular the Creditors of the said Austin Cuillier, Thomas Aylwin and John Hartness:



And the said Jonathan H Lawrence and Jonathan Dayton do aver that the said Austin Cuillier, Thomas Aylin and John Hartness have not any other goods chattles, Estates or property, whatsoever, from or out of which they can obtain satisfaction of their said debt, interest and Costs. — By reason of which said several premises a right hath occurred to the said Jonathan H Lawrence and Jonathan Dayton, in the name and as Creditors of the said Austin Cuillier, Thomas Aylin and John Hartness, as aforesaid to ask demand, and have of and from the said Thomas Blackwood, James Dow and David David a just and true account of all and singular the said monies Credits effects goods and chattles and from and out of the same to be paid and satisfied their aforesaid debt with interest and Costs as aforesaid, or so much thereof as the proportion which the amount of the said debt interest and Cost bears to the total amount of the debts due by the said Austin Cuillier, Thomas Aylin and John Hartness, to their Creditors may entitle them the said Jonathan H Lawrence and Jonathan Dayton to have and obtain from and out of the same

Nevertheless the said Thomas Blackwood, James Dow and David David have not nor hath either of them rendered to them the said Jonathan H Lawrence and Jonathan Dayton such account as aforesaid or paid to them any part or parcel of their said debt interest and Costs from and out of the said monies Credits effects goods and chattles but so to do (although themselves often requested) have refused and still do refuse, whereby the said Jonathan H Lawrence and Jonathan Dayton say that they are injured and sustain damage to the amount of Fifteen hundred pounds current money aforesaid. —

Wherefore the said Jonathan H Lawrence and Jonathan Dayton, in the name and as Creditors of the said Austin Cuillier, Thomas Aylin and John Hartness as aforesaid bring suit and pray that the process of this Honorable Court may issue to compel the said Thomas Blackwood, James Dow and David David and also the said Austin Cuillier, Thomas Aylin and John Hartness



to be and appear in this Honourable Court on Thursday the first day of October next to answer the premises and that the said Thomas Blackwood, James Daw, and David David be then and there adjudged and condemned to render to the said Jonathan H. Lawrence and Jonathan Dayton in due form of law, a true and just account of all and singular the said monies, credits, effects, goods and chattels belonging to the said Austin Cuillier, Thomas Aylwin and John Hartness, which have so as aforesaid come into their hands, possession, custody or power, by the permission of the said Austin Cuillier, Thomas Aylwin and John Hartness or for the benefit of their Creditors, and of each and every part and parcel thereof, and from and out of the same to pay and satisfy to the said Jonathan H. Lawrence and Jonathan Dayton their aforesaid debt interest and costs, or so much thereof as the proportion which the amount of the said debt interest and costs bears to the total amount of the debts due by the said Austin Cuillier, Thomas Aylwin and John Hartness, to their Creditors may entitle them. The said Jonathan H. Lawrence and Jonathan Dayton to have and receive, and further to this end and intent that the said Thomas Blackwood, James Daw and David David be adjudged and ordered to deliver in such manner and form as this Court may order and direct the said effects, goods and chattels, to be sold in due form of law and in default thereof to pay the value of such effects, goods and chattels, the proceeds or value whereof to be applied to the payment of the said debt interest and costs. And in case the said Thomas Blackwood, James Daw and David David, should make default in rendering the account, and in other the premises aforesaid that they be adjudged and condemned to pay an Penalty to the said Jonathan H. Lawrence and Jonathan Dayton the aforesaid sum of fifteen hundred pounds as and for their damage in that behalf sustained The whole with interest and Costs of Suit.



Marie Claire Perrault Plaintiff  
vs  
Austin Cuivillier Defendant.

Marie Claire Perrault wife of Austin Cuivillier of the City of Montreal in the district of Montreal Merchant Complainant  
Declaration of the said Austin Cuivillier representeth that the said Marie  
en Separation Claire Perrault hitherto, to wit, on the sevenths day of November  
de biens. in the year of Our Lord One thousand eight hundred and  
two at the City of Montreal aforesaid entered into a  
certain Contract of Marriage with the said Austin Cuivillier  
by her the said Marie Claire Perrault and the said  
Austin Cuivillier made executed before Tapineau and another  
Public Notary and bearing date at the said City of Montreal  
the day and year aforesaid whereby amongst other things  
it was covenanted and agreed by and between the  
said Marie Claire Perrault and the said Austin Cuivillier  
that there should be and subsist between them a Communauté  
de biens or Communioin of estates and property according to  
the Custom of Paris, to wit, according to the laws of the Province  
of Lower Canada and the said Marie Claire Perrault after-  
wards, to wit, on the seventeenth day of November at the City  
of Montreal aforesaid was lawfully coupled in Matrimony  
with the said Austin Cuivillier because and was unsuccess-  
ful and unfortunate in the management and conduct  
of his Mercantile and other concerns by reason of  
imprudent speculations and divers untoward circum-  
stances matters and things because and was greatly in-  
jured ruined in his fortune to such degree that after-  
wards, to wit, on the fourteenth day of October in the  
year of Our Lord One thousand eight hundred and  
six at the City of Montreal aforesaid the said  
Austin Cuivillier was under the necessity of disconti-  
nuing his trade and Commerce and then and there  
became and was a Bankrupt and in and by  
a certain deed of session by him jointly with his  
Co-partners Thomas Aylwin and John Barkness made  
and executed to and in favor of his and their Cre-  
ditors before Chambulle and another Public Notary  
and bearing date the same day and year last  
aforesaid assigned transferred and made over all



his goods and Chattels, Lands and Tenements real and immovable to and for the benefit of the Creditors of him the said Austin Cuillier; and the said Marie Claire Perrault further saith that the said Austin Cuillier hath not been able since his bankruptcy aforesaid to establish himself in and continue his trade and Commerce or to engage in or carry on any other business whereby the said Austin Cuillier might be enabled to extricate himself from his present embarrassments and acquire for and afford the said Marie Claire Perrault and the Children issue of the said Marriage their necessary support but hath been and continues to be overwhelmed with debts and harassed with executions at the instance of divers of his Creditors against the estates property in his possession whereby the said Marie Claire Perrault is exposed to the hazards of losing the monies, goods and Chattels belonging to and and vested in her by right of inheritance and otherwise which have and may come into the hands of the said Austin Cuillier and also of and being deprived of the rents issues profits of her real estates without which the said Marie Claire Perrault and her Children cannot receive the necessary support and is likely to incur great loss and damage, without the benefit of a separation as to property from the said Austin Cuillier which can be had and obtained, only in virtue of a Judgment of the Court of Our Lord the King now here.

Wherefore the said Marie Claire Perrault brings suit and prays that the process of this Honourable Court may issue to compel the said Austin Cuillier to be and appear in this Honourable Court on Monday the fifteenth day of October instant to answer the premises and that then and there by the sentence and Judgment of the said Court now here she the said Marie Claire Perrault may be declared to be, and to all intents and purposes whatsoever be separated as to property from the said Austin Cuillier her husband with full and absolute right to hold possess and enjoy separately and apart from the said Austin Cuillier her husband



all and every the estates and property of whatsoever nature or  
 kind as well those by her acquired and held by her before the  
 said marriage as those by her acquired during the said mar-  
 riage and also those which she may hereafter acquire without  
 molestation or trouble by or from the said Austin Cuillier  
 or other persons whatsoever and further in Consideration of  
 the remuneration which she the said Marie Claire Per-  
 rault purposed to make to the aforesaid Commission  
 of Estates and Property Communante de biens, so as  
 aforesaid Contracted and subsisting between her and  
 the said Austin Cuillier be the said Austin Cuillier  
 may be adjudged and condemned to restore and  
 pay to her the said Marie Claire Perrault all and  
 every the goods and Chattles, monies estates and effects  
 and all and every the matrimonial benefits and ad-  
 vantages which under and by virtue of the said Con-  
 tract of Marriage or otherwise howsoever she the  
 said Marie Claire Perrault may lawfully have or claim  
 from the said Austin Cuillier with interest and costs  
 and further that the said Austin Cuillier may be  
 adjudged and condemned to warrant guarantee acquit  
 and indemnify the said Marie Claire Perrault from  
 and against all and every the debts, sum and sums  
 of money for which he may have caused the said Marie  
 Claire Perrault to be jointly with him bound or re-  
 sponsible; And the said Marie Claire Perrault  
 further prays that to and for all and every the  
 intents and purposes aforesaid she the said  
 Marie Claire Perrault may be authorized to prosecute  
 the recovery of her rights and such action and  
 actions as she may lawfully in the premises bring  
 or institute.



A. B. in his quality of Guardian in due form of Law elec-  
 ted and appointed to his minor daughter's hand of the  
 declaration and age of ~~minimum~~ and in her name and behalf complain-  
 getting Puff's ~~ning~~ of C. D. by this his declaration doth humbly re-  
 daughter with present that heretofore, to wit, on ~~the~~ at ~~the~~ she the  
 Child. — said Land being then and there the Servant of the said  
 C. D. retained in his service and dwelling in the house  
 of him the said C. D. in which he also dwelt the said  
 C. D. unmindful of the protection and care which were  
 due from him to the said Land as his servant as  
 aforesaid but on the contrary availing himself of the  
 inexperience of the said Land and the situation in  
 which he was placed with respect to him the said  
 C. D. did under deceitful pretence and by various means  
 seduce and debauch the said Land and on the day and  
 year aforesaid and at divers other days and times  
 between that day and the ~~the~~ day of ~~the~~ in the year  
 aforesaid at ~~the~~ aforesaid did ravish deflow and carnally  
 know the said Land whereby the said Land then and there  
 became pregnant and lost with Child and afterwards, to wit,  
 on ~~the~~ at ~~the~~ was delivered of a male Child of which the  
 said C. D. is the Father which is now living, to wit, at ~~the~~  
 That by means of the said Pregnancy and being sick  
 with Child and delivery thereof as aforesaid and other  
 the premises aforesaid the said Land hath suffered great  
 loss and injury on her good name and reputation was  
 prevented from gaining her livelihood and the said A. B.  
 for her and on her behalf was forced and obliged to lay out  
 and expend and did lay out and expend a large sum  
 of money, to wit, ~~the~~ Current Money of this Province, in  
 and about recovering her from such her Pregnancy and  
 delivery of such her Child and in the lying in thereof  
 and in the nursing and maintaining of the said Child  
 and by reason of the several premises aforesaid the said  
 A. B. saith that the said Land hath sustained damage  
 of ~~the~~ which she is entitled to recover have and obtain  
 from the said C. D. who is moreover liable and  
 bound by the Law of the Land to take nourish main-  
 tain and support and rear up the said male Child  
 which he hath hitherto neglected and refused and



still doth neglect and refuse to do.

All which of &c.

Wherefore of he may be there and there adjudged and condemned to pay and satisfy unto the said A.B. as Guardian as aforesaid and to and for the use of the said Xaud the aforesaid sum of £<sup>---</sup> as and for damages as aforesaid. and further that the said C.D. be by the Judgment of this Honorable Court adjudged to be the father of the said Male Child and thereupon ordered to take into his charge and care the said Male Child and the same to nourish maintain and support and rear up and in default thereof that he be adjudged to pay and satisfy to the said A.B. as Guardian as aforesaid and so and for the use of the said Xaud the further sum of £<sup>---</sup> Current Money aforesaid the whole with Costs.

Declaration

Action en  
reintegrande

That for a considerable length of time, before the several troubles and trespasses herein after mentioned, to wit, for more than a year and a day previous to such troubles and trespasses they the said A.B. and C.D. his wife had lawfully quietly peacefully and uninterruptedly possessed as proprietors thereof a certain lot or piece of ground and premises situated at &c.

That the said A.B. and C.D. being such lawful possessors of the said lot of ground and premises as aforesaid He the said E.F. against the will and consent of the said A.B. and C.D. his wife heretofore, to wit, on &c at &c entered into and upon the said lot of ground and premises and dispossessed the said A.B. and C.D. his wife thereof and hath continually held the said lot of ground and premises and received the rents issues and profits thereof to the damage of the said A.B. and C.D. his wife of &c.

All which Allegations of &c.

Wherefore of &c. adjudged and condemned within such short delay as this Honorable Court shall be pleased to fix and appoint to restore to the said A.B. and C.D. his wife the above described lot of ground and premises and the said A.B. and C.D. his wife be reinstated (re-integré) in the quiet and peaceable possession thereof and the said E.F. enjoined and ordered not to trouble and molest the said



AB & CD his wife in the Possession of the said above described lot of ground and premises and further that the said EF be condemned to pay and satisfy to the said AB & CD his wife the said sum of £         current money aforesaid, with interest, damages and costs of suit.

AB widow of Commune en biens with and mutual Power  
Declarations of N. L. complaining of A. B. by this her Declaration doth humbly  
Actis Commu represent

ni Dividendo

That the said AB heretofore & at & made and entered into a Written Contract of Marriage with N. L. by them made and executed before & and bearing date & and afterwards, to wit, & at & Contracted Marriage with the said N. L. which marriage on the day and year last aforesaid at in aforesaid was in due form of law solemnized and celebrated.

That in and by the said Contract of Marriage it was among other things covenanted promised and agreed by and between them the said AB & N. L. that from and after their marriage there should and would be a Community of property both real and personal between them under and according to the Custom of Paris, to wit, the Custom of Paris adopted into and making part and parcel of the Laws, Usages, and Customs of the Province of Lower Canada, into which Community the said N. L. did and in and by the said Contract expressly consent and agree that the sum of \$5000 equal to £250 Current money of the said Province making part of a larger sum of \$40,000, then by him possessed should enter and thereof make part and as and for the marriage portion (dot) of the said AB. there was in and by the said Contract, given granted and constituted by P. B. and N. L. his wife her father and mother in advance of her their future Success: the sum of \$10,000 equal to £416.13.0 Current money aforesaid to be paid with interest in the manner and at the times in the said Contract mentioned and to be and remain propre to the said AB, Et aux  
lignes de son coté et ligne

And the said N. L. in and by the said



Contract did give and grant from and out of his estates, real and personal to the said A.B. as and for a douaire propre an annuity of "300 Equal to £12.10.00 Current money as aforesaid to be by her received and enjoyed according to the custom of Paris aforesaid and it was in and by the said Contract agreed by and between the parties aforesaid that the survivor of them should have and take as and for his "prelucrat" the sum of "7000 Equal to £41.13. Current money and in lieu of the Furniture of his or her Chamber (Chambre garnie) the further sum of "2000 Equal to £83.6. Current money aforesaid and that she the said A.B. if the Survivor should also have and take her wearing apparel, furniture and Jewels, All which in and by the said Contract of Marriage whereof the said A.B. bringeth here into Court a Notarial Copy (reference being thereunto had) will more fully and at large appear.

And the said R.N. and the said A.B. afterwards, to wit, on 7<sup>e</sup> at 8<sup>e</sup> being then and there in good health and without Children issue of their said Marriage by a certain Contract or Instrument of Mutual donation (don Mutuel) by them made and executed before 8<sup>e</sup> and bearing date at 8<sup>e</sup> the day last aforesaid did voluntarily make a mutual donation reciprocal and equal each to the Survivor of them accepting thereof of all and singular the personal estates and the real and immovable Biens whereof he or she at the time of his or her decease might or should be possessed to have and to hold the same to the Survivor of them by way of usufruct for and during his or her life-time, provided at the time of such decease there should be no Child or Children issue of the said Marriage, As in and by the Contract or Instrument of Mutual donation whereof the said A.B. brings here into Court a Notarial Copy (reference being thereunto had) will more fully and at large appear.

And the said Contract or Instrument of Mutual Donation afterwards, to wit, on 8<sup>e</sup> at 8<sup>e</sup> was in due form of law insinuated and registered.

And the said A.B. further representeth that the said R.N. afterwards, to wit, on 8<sup>e</sup> at 8<sup>e</sup> deceased without issue of his said Marriage with her the said A.B.



having previously made his holographic last will and testament bearing date 4<sup>th</sup> whereof the said A.B. brings here into Court an Authentic Copy.

And the said A.B. further representeth that during her Marriage and Community with the said H.K. whereof and of all and singular the Estates real and personal Composing the said Community and also belonging to the said H.K. the said A.B. between the day of 4<sup>th</sup> and 4<sup>th</sup> caused an inventory in due Course of Law to be made, to wit, at 7<sup>th</sup> and afterwards, to wit, on 17<sup>th</sup> at 7<sup>th</sup> by the Sentence and decree of his Majesty's Court of King's Bench for the district of Quebec in this behalf made and rendered all and every the estates to the Usufruct whereof she the said A.B. in pursuance of the Contract or Instrument of Mutual donation above mentioned was entitled were to be delivered. And the said A.B. further representeth that since the day and year last aforesaid she the said A.B. hath been and still is in possession of all and singular the Estates real and personal Composing the Community which so as aforesaid subsisted between her and her aforesaid late husband whereof no partition hath been made but she saith that by reason of divers good Causes and Considerations it is advisable and expedient that the said last mentioned Estates should be divided in such manner that she the said A.B. may have and hold one moiety thereof to her sole use and benefit as proprietor thereof and that the said H.K. in whom the rights in the Succession of the said H.K. are vested may have and hold the other moiety thereof Subject nevertheless to the Usufruct aforesaid of the said A.B. as mutual dower as aforesaid.

And the said A.B. further representeth that the following real Estates do make part and parcel of the property Composing the said Community whereof a partition is to be made but are incapable of being divided the said A.B. and A.H. to wit 7<sup>th</sup> 7<sup>th</sup> 7<sup>th</sup>.

And the said A.B. by reason of the premises saith that a right hath accrued to her to have and obtain a partition of all and singular the Estates real



and personal Comprising the Community aforesaid subject to her Usurpation upon the moiety thereof accruing to the said A.B. in whom the rights in the Succession of the aforesaid N. have become and are vested as aforesaid And forasmuch as the said real Estates herein before described are incapable of Partition a further right hath accrued to the said A.B. to demand and obtain that the said last mentioned real Estates be sold by licitation in due form of Law

Wherefore &c and that there and there by the Judgment of this Honorable Court a Partition be made between the said A.B. and the said A.D. of all and singular the Estates real and personal which composed or made part of the aforesaid Community subject Nevertheless to the Usurpation of the said A.B. for and during her life upon and in the due moiety thereof accruing to the said A.D. and that he be adjudged and Condemned to reimburse pay and satisfy to her the said A.B. all useful expenditures by her laid out and paid for the preservation of the said Estates and further for as much as the said real Estates hereinbefore described cannot be divided that the same be sold by Licitation in this Honorable Court to the highest bidder in the accustomed manner to the end that after the payments and satisfaction of other the Matrimonial rights of her the said A.B. one moiety of the proceeds thereof by the Sentence and Order of this Honorable Court may be paid to her the said A.B. and the other moiety thereof accruing to the said A.D. be and remain during the life of her the said A.B. in the hands of the Purchaser or Purchasers of the said real Estates, he, she, or they paying legal interest for the same, to her the said A.B. in lieu of her Usurpation aforesaid.

And to the end that the said sale may be Public and all bidders advised that the necessary advertisements in this behalf used be made and put up. And further proceedings had as to Law and Justice may appertain the whole with Costs.

Quibet ~ 18 ~



*[Faint, illegible handwriting in French, likely bleed-through from the reverse side of the page. The text is mirrored and difficult to decipher.]*



Know  
Ref: where  
our debt is  
deceased

Know all men by these presents that A.B. do acknowledge to be helde and bound jointly and severally, (solidairement) to our Sovereign Lady Victoria by the grace of God to in the penal sum of two thousand pounds current money of the said Ref. C. to be paid to our said Lady the Queen, Her Heirs and Successors, and for the payment of which sum we do bind ourselves and each of us himself jointly and severally, our Heirs, Executors and administrators, by these presents signed with our Hands and Sealed with our Seals and dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ in the month of \_\_\_\_\_ in the year of the reign of our said Lady the Queen, and in the year of our Lord 1843, in case default shall happen to be made in the condition hereunder written.

Whereas I the said A.B. have been appointed Registrar for the District of Terrebonne in pursuance of an Ordinance or Law of that part of the said Province of Canada which heretofore constituted the P.C. made and passed by the Governor of the said late Province of S.C. by and with the advice and consent of the Special Council for the affairs thereof in the fourth year of Her Majesty's reign, entitled, *l'acte de la Loi* Registry Ordinance &c. And whereas in and by a certain instrument in writing bearing date at \_\_\_\_\_ in the said Province of Canada on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 1842. I the said A.B. as such Registrar for the said District of Terrebonne did enter into a recognizance to our said Lady the Queen, Her Heirs and Successors in the penal sum of £2000 for the due and faithful performance of the duties of my office, with C.D. E.F. & G.H. as my Sureties who were approved by the Honorable Samuel J. G. one of the Justices of the Court of N.B. for the D. of M. before whom the said recognizance was taken; And whereas since the entering into the said recognizance the said C.D. is deceased. And whereas by the Statute in such case made and provided I the said A.B. am bound to give other and further security by

renew



Reason of the death of the said of the said C. D. And whereas  
I the said A have agreed and am willing to become  
such Surety.

Now the condition of this recognizance is such  
that if the said A B do and shall well and  
truly, honestly and faithfully execute the said  
Office, and perform and fulfil all and every  
the said duties enjoined and required to be  
done and performed by him as such Registrar  
in and by the said Ordinance or law in all  
things therein mentioned; then this recognizance  
shall be void and of no effect; otherwise  
the same shall remain in full force and virtue  
against us and each of us.

Entered into, taken and acknowledged  
before me this — day of — and executed  
in duplicate the before named Surety  
having previously justified as to  
his sufficiency and been approved  
by me.



Province of Canada }  
Victoria &c.

To A.B. & C.D. Greeting

Commission

Whereas the Honorable the Legislative Assembly of our said Province of Canada, did by Commission their address to the Governor General of our said Province on the fiftenth day of September, last, Judicate request that inquiry might be made whether any and what abuses exist in the administration of Justice in the Inferior District of Gaspe rendering a reform in the Judicature thereof necessary. Now Know Ye that we in compliance with the said address to our Governor General of our said Province and reposing trust and confidence in your loyalty, ability and discretion, have constituted and appointed and by these presents do constitute and appoint you the said A.B. & C.D. to be our Commissioners with power and authority to proceed, act, consult and enquire, touching the administration of Justice in the Inferior District of Gaspe in that part of our said Province of Canada called Lower Canada and the laws now in force regulating the same, with the view and intent of ascertaining the operation of the several Courts of Superior and Inferior Jurisdiction as well Civil as Criminal at present established in the said District, the conveniences and inconveniences, experienced from the times and place at which the same are now respectively holden, the state, number, and situation, and sufficiency of the various Court Houses, Gaols and other Public Buildings within the said District at present erected at the Public expense or employed for use connected with the administration of Justice and the efficiency of the Magistrary, Militia and Constabulary force as at present constituted for the purpose of police, the repression of crime and the security of all our loving subjects in that

establishing



consulting or resorting to the said District and  
 for these purposes to collect all the requisite information  
 documentary or otherwise connected with the premises  
 aforesaid, and thereupon such report to make to Us  
 through Our Governor, Lieutenant Governor, or  
 person administering the Government of our said  
 Province for the time being, as well in the premises  
 aforesaid as also in respect to your opinion whether  
 it whether it would not be desirable to make  
 any and what alterations, changes, additions  
 or modifications in or to either the Constitution,  
 jurisdiction, powers or authority of the several  
 Courts, Civil and Criminal established in the said  
 District, or the local divisions or subdivisions of the  
 same, or the number, size and situation of the  
 Court Houses, Jails, or other Public Buildings  
 within the said District or any other the powers,  
 authorities, matters, or things relating to or connected  
 with the premises aforesaid as in your Judgment  
 shall be most for the interest, welfare and good  
 government of that part of our said Province,  
 and of all Our loving subjects therein hereby  
 charging and commanding all persons  
 whom it may concern to be exacting and  
 assisting you Our Commissioners as aforesaid  
 in the performance of the duties by these  
 Our Letters Patent assigned to you - And  
 We do further give full power and authority  
 to you Our Commissioners as aforesaid to send for,  
 receive and examine all such records, do-  
 cuments and papers as you Our Com-  
 missioners shall judge necessary in  
 the premises

In Testimony &c.



Province of Canada }  
District of Quebec } In the King's Bench.

Dominica Regina

Ruggles Wright the Younger

Be it remembered that Thomas Castling Aylmer, Esquire, Solicitor General of our present Sovereign Lady the Queen, who prosecutes for our said Lady the Queen in this behalf comes in his own proper person before The Honorable The Justices of Her Majesty's Court of King's Bench for the District of Quebec and complains of Ruggles Wright the Younger of the Township of Hull in the District of Montreal, Trader, and sheweth the Court here to understand and be informed that the said Defendant owes to and unjustly detains from our said Lady the Queen the sum of £215. By Cr. - For that whereas the said Defendant heretofore to wit on the first day of June last past at Montreal by a certain instrument in writing or writing obligatory signed by him and now shewn to the Court of our said Lady the Queen acknowledged himself to be held and firmly bound to James Stephenson, Esquire Collector of duties on Crown timber at the several sum of £415. 0. 8. of the said Currency to be paid to Her said Majesty, Her Heirs and Successors, for which payment to be well and truly made the said Defendant in and by the said instrument in writing or writing obligatory bound himself, his Heirs, Executors, and administrators.

And the said Solicitor General saith that the said instrument in writing was made with a condition the tenor written in and by which condition it was declared that if the said Defendant well and truly paid or caused to be paid to our said Lady the Queen, Her Heirs, Her Successors or to such person or persons as should be duly authorized to receive the same the said sum of two hundred and

J. P. P.



fifteen pounds and pence on demand in Quebe<sup>e</sup> due to our said Lady the Queen on a certain quantity of timber cut on the waste lands in this Province of our said Lady the Queen and forming a raft or part of a raft lying at Bytown, or if the said Defendant faithfully and safely convey'd the said quantity of timber to the City of Quebe<sup>e</sup>, and there delivered the same to the said Collector his certain Attorney, Agent or Deputy, then that the said instrument in writing should be null and void otherwise that the same should be in full force as in and by the said condition reference being thereto had, will more fully appear.

And the said Solicitor General of our said Lady the Queen saith that the said Defendant hath not paid the last mentioned sum of money to our said Lady the Queen nor to any person or persons on behalf of our said Lady the Queen and that the said Defendant hath not delivered the said quantity of timber to the said Collector nor to any person or persons on his behalf but so to do hath wholly <sup>scilicet</sup> made default by reason whereof the said instrument in writing hath become forfeited and an action hath accrued to our said Lady the Queen to demand and have of and from the said Defendant the said sum of money to wit the said sum of £250. 4. Cy.

And the said Solicitor General of our said Lady the Queen on behalf of our said Lady the Queen further complains of the said Defendant and giveth the Court here further to understand and be informed that the said Defendant owes to and unjustly detaineth from our said Lady the Queen the further sum of £137. 10. 5 N. Cy. For that whereas the said Defendant heretofore to wit on the said first day of June last past at Bytown



and by a certain other instrument in writing or writing or writing obligatory now shewn to the Court here acknowledged himself to be held and truly bound to the said James Stevenson the Collector aforesaid in the penal sum of £275. 0. 10 of the said Currency to be paid to Her said Majesty, Her Heirs and Successors for whose payment to be well and truly made the said Defendant in and by the said instrument in writing or writing obligatory bound himself, his Heirs, Executors and administrators.

And the said Solicitor General saith that the said instrument in writing was made with a condition hereunder written in and by which condition it was declared that if the said Defendant well and truly paid or caused to be paid to Our said Lady the Queen, Her Heirs ~~and~~ Successors, or to such person or persons as should be duly authorized to receive the same the said sum of £137. 10. 5. and demand in Quebec due to Our said Lady the Queen on a certain quantity of timber cut on the waste lands in this Province of Our said Lady the Queen and forming a raft or part of a raft lying at <sup>the time</sup> ~~the~~ <sup>of</sup> or if the said Defendant faithfully and safely conveyed the said last mentioned quantity of timber to Quebec aforesaid and then delivered the same to the said Collector, his certain Attorney, Agent or Deputy then the said writing should be null and of no effect otherwise that it should be in full force as in and by the said condition hereunder written shall more fully appear.

And the said Solicitor General of our said Lady the Queen saith that the said Defendant hath not paid the last mentioned sum of money to our said Lady the Queen, nor to any person or persons on behalf of our said Lady the Queen and that the said Defendant hath not delivered the said quantity of timber to the said Collector nor to any person or persons on his behalf but so to do hath wholly failed and made default



by reason whereof the said instrument in writing hath become forfeited and an action hath accrued to Our Lady the Queen to demand and have paid from the said Defendant the said last mentioned sum of money, to wit, the said £137.10.5. Cy.

And the said Solicitor General of Our said Lady the Queen further complains of the said Defendant and giveth the Court here further to understand and be informed that the said Defendant owes to and unjustly detains from Our said Lady the Queen a further sum of £218.19.6 Cy. aforesaid. - For that whereas the said Defendant heretofore to wit on the said first day of June last past at Bytown aforesaid by a certain other instrument in writing or writing obligatory, now shewn to the Court of Our said Lady the Queen, acknowledged himself to be held and firmly bound to the said James Stevenson the Collector aforesaid in the penal sum of £437.19. Carbery afd to be paid to Her said Majesty, Her Heirs and Successors for which payment to be well and truly made the said Defendant in and by the said instrument in writing or writing obligatory bound himself, His Heirs, Executors and administrators. -

And the said Solicitor General saith that the said instrument in writing was made with a condition thereunder written in and by which condition it was declared that if the said Defendant well and truly paid or caused to be paid to Our said Lady the Queen, Her Heirs, Her Successors, or to such person or persons as should be duly authorized to receive the same, the said sum of £218.19.6 on demand in Quebec due to Our said Lady the Queen on a certain quantity of timber cut on the waste lands in the Province of Our said Lady the Queen and forming



a raft or part of a raft lying at Bytown, and safely conveyed the said quantity of timber to the City of Quebec, and then delivered the same to the said Collector, his certain Attorney, Agent or Deputy, then that the said instrument in writing should be null and of no effect otherwise that the same should be in full force as in and by the said Condition / reference thereto had will more fully appear.—

And the said Solicitor General of Our said Lady the Queen saith that the said Defendant hath not paid the last mentioned sum of money to Our said Lady the Queen nor to any person or persons on behalf of Our said Lady the Queen, and that the said Defendant hath not delivered the said quantity of timber to the said Collector nor to any person or persons on his behalf, but so to do hath wholly failed and made default, by reason whereof the said Instrument in writing hath become forfeited, and an action hath accrued to Our said Lady the Queen to demand and have of and from the Defendant the said sum of money, to-wit the said sum of \$218.

19. 6.—

And the said Solicitor General of Our said Lady the Queen, on behalf of Our said Lady the Queen further complains of the said Defendant and prays the Court here further to understand and be informed that the said Def. owes to and unjustly detains from Our said Lady the Queen the further sum of \$154. 17. 6. C<sup>y</sup> a<sup>p</sup>.. For that whereas the said Defendant heretofore to-wit on the eighth day of July, last past, at Bytown a<sup>d</sup> by a certain other instrument in writing or writing obligatory now shewn to the Court here acknowledged himself to be held and bound to the said James Stephenson, the Collector a<sup>d</sup> in the penal sum of \$309. 15<sup>7</sup> C<sup>y</sup> a<sup>p</sup>.. to be paid to Her said Majesty Her Heir and Successors

for



for which payment to be well and truly made the said Defendant in and by the said instrument in writing or writing obligatory bound himself, his Heirs, Executors and Administrators.

And the said Solicitor General writes that the said instrument in writing was made with a condition thereunder written in and by which condition it was declared that if the said Defendant well and truly paid or caused to be paid to Our said Lady the Queen, Her Heirs, Her Successors, or to such person or persons as should be duly authorized to receive the same the said sum of £154. 17. 8 on demand in Quebec due to Our said Lady the Queen for a certain quantity of timber cut in the waste lands in this Province of Our said Lady the Queen and forming a raft or part of a raft lying at Bytown aforesaid, if the said Defendant faithfully and safely conveyed the said last mentioned quantity of timber to Quebec aforesaid and then delivered the same to the said Collector, his Certain Attorney, Agent or Deputy, then the said writing should be null and of no effect otherwise that it should be in full force, as in and by the said condition reference thereto here will more fully appear.

And the said Solicitor General of Our said Lady the Queen saith that the said Defendant hath not paid the last mentioned sum of money to Our said Lady the Queen, nor to any person or persons on behalf of Our said Lady the Queen, and that the said Defendant hath not delivered the said quantity of timber to the said Collector nor to any person or persons on his behalf, but so to do hath wholly failed and made default, by reason whereof the said instrument in writing hath become forfeited and an action hath accrued to Our said Lady the Queen to



demands and have of and from the said Defendant the said last mentioned sum of money.

And the said Solicitor General of Our said Lady the Queen further complains of the said Defendant and prays the Court here further to understand and be informed that the said Defendant owes to and unjustly detains from Our said Lady the Queen the further sum of £178. 15. 2 like current money aforesaid. - For that whereas the said Defendant heretofore to wit on the said eighth day of July last past at Bytown aforesaid by a certain other instrument in writing or writing obligatory now shewn to the Court of Our said Lady the Queen acknowledged himself to be held and firmly bound unto the said James Stevenson the Collector aforesaid in the penal sum of £357. 10. 4. current money aforesaid to be paid to Her said Majesty, Her Heirs and Successors for which payment to be well and truly made the said Defendant in and by the said writing obligatory bound himself, his Heirs, Executors and Administrators.

And the said Solicitor General saith that the said instrument in writing was made with a condition thereunder written in and by which condition it was declared that if the said Def<sup>t</sup> will and truly paid or caused to be paid to Our said Lady the Queen, Her Heirs, Her Successors, or to such person or persons as should be authorized to receive the same the said sum of £178. 15. 2. or demand in Quebec, due to Our said Lady the Queen or a certain other quantity of timber cut on the waste Lands in the Province of Our said Lady the Queen and forming a raft or part of a raft lying at Bytown aforesaid or if the said Defendant faithfully and safely conveyed the said last mentioned quantity of timber to Quebec aforesaid and there delivered the same to the said Collector, his certain Attorney, Agent or Deputy then the said writing should be null



null and of no effect otherwise that it should be in full force as in and by the said condition, reference thereto hereunto more fully appears.

And the said Solicitor General of Our said Lady the Queen saith that the said Defendant hath not paid the last mentioned sum of money to Our said Lady the Queen nor to any person or persons on behalf of Our said Lady the Queen, and that the said Defendant hath not delivered the said quantity of timber to the said Collector nor to any person or persons in his behalf but so to do hath wholly failed and made default, by reason whereof a action hath accrued to Our said Lady the Queen to demand and have of and from the said Defendant the said last mentioned sum of money.

And the said Solicitor General of Our said Lady the Queen further complains of the said Defendant and gives to the Court leave further to understand and be informed that the said Defendant owes to and unjustly detains from Our said Lady the Queen the further sum of £221. 4. 10 Q. s. p. For that whereas the said Defendant heretofore to wit on the twentieth day of July last, at 13y town a. p. by a certain other instrument in writing or writing obligatory now shewn to the Court here acknowledged himself to be held and firmly bound to the said James Stevenson in the penal sum of £442. 9. 8. Q. s. to be paid to Her said Majesty, Her Heirs and assigns for which payment to be well and truly made the said Defendant in and by the said instrument in writing bound himself, His Heirs Executors and administrators.

And the said Solicitor General saith that the said instrument was made with a condition thereunder written in and by which



which condition it was declared that if the said Defd  
 well and truly paid or caused to be paid to Our said  
 Lady the Queen, Her Heirs, Her Successors or to such  
 person or persons as should be duly authorized to  
 receive the same the said sum of £221. 4. 10. on  
 demands in Quebec or if the said Defendant  
 faithfully and safely conveyed a certain quantity  
 of timber cut on the waste lands in this Province  
 of Our said Lady the Queen and forming a raft  
 or part of a raft then lying at Bytown to  
 Quebec aforesaid and then delivered the same to  
 the said Collector, his certain Attorney, agent or Deputy  
 then the said writing should be null and of no  
 effect otherwise that it should be in full force  
 as in and by the said condition preference thereto  
 had / will more fully appear.

And the said Solicitor General of Our said Lady  
 the Queen saith that the said Defendant hath not  
 paid the last mentioned sum of money to Our  
 said Lady the Queen nor to any person on her  
 behalf, and that the said Defd hath not  
 delivered the said quantity of timber to the said  
 Collector nor to any person on his behalf but so  
 to do hath wholly made default by reason  
 whereof the said instrument hath become for-  
 feited, and an action hath accrued to Our said  
 Lady the Queen to have and demand of and  
 from the said Defendant the last mentioned  
 sum of money.

All which allegations the said Solicitor General  
 doth hereby aver to be true and well founded in  
 fact and in law and the same will verify, prove,  
 and maintain when and as the Court here shall  
 direct.

Wherefore the said Solicitor General for and  
 on behalf of Our said Lady the Queen pray the  
 consideration of the Court here in the premises  
 and that due process of law may issue to arrest  
 the said Defendant by his body and to compel  
 him



him to appear before the Court on the first day of February next to answer in the premises and that the said Defendant be adjudged and condemned to pay to Mr said Ledy the sum of \$126.79 with Interest.

Quelbec, 19<sup>th</sup> Oct. 1843

J.C. Aylmer,  
Sol. Genl.



112

Province of Canada }  
Victoria 10  
To all 10

Whereas at Our Court of King's Bench for Our District of Montreal, begun and holden at the Court House in Our City of Montreal, on Thursday the twenty fourth day of February in the year of Our Lord One thousand eight hundred and forty two and in the fifth year of Our reign for the cognizance of all Crimes and Criminal Offences done and committed within the said District before The Honorable Jean Reeb Rolland and James Gale, Esquires, two of Our Justices of Our said Court of King's Bench, Andre Desormeau late of the Parish of Saint Augustus in the said District of Montreal, Labourer, was in due form of Law convicted of having on the thirtieth day of September in the year of Our Lord 1841. at the Parish of Saint Augustus aforesaid, feloniously stolen, taken, and led away, a certain horse of the value of twelve pounds ten shillings sterling money of Great Britain, the property of one Antoine Blawette, and sentence of death was thereupon duly recorded against him by the Judgment and order of Our said Court of King's Bench as in and by the records of the said Conviction and Sentence remaining of record in Our said Court of King's Bench for the said District, reference being thereunto had will more fully appear.

And whereas We have been implored by the said Andre Desormeau to grant to him Our Royal Pardon of and from the said Felony whereof he stands convicted, and of and from all and every the execution and punishment which might be legally done and inflicted on him by reason of the said Conviction and Sentence.

Now Know Ye that for divers good causes and Considerations, We thereunto moving being willing to extend Our grace and mercy to the said Andre Desormeau upon the conditions hereinafter



hereinafter mentioned, We have pardoned, remitted,  
 and released, and by these presents do pardon, remit,  
 and release the said Audé Desormeau of and from  
 the said Felony whereof he stands convicted, and  
 of and from the execution and punishment which might  
 legally be done and inflicted upon him by reason of  
 the said Conviction and sentence. - Provided always  
 and thus Our Royal Pardon, remission and release  
 is made and granted upon the express terms and  
 Conditions following, that is to say, Upon condition  
 that the said Audé Desormeau do submit to and  
 undergo imprisonment and be confined in Our  
 Provincial Penitentiary, near Our Town of Kingston  
 in Our Midland District, and be subject to the  
 discipline thereof for and during the term and period  
 of seven years to be computed from the twenty eighth  
 day of August next, and further upon condition that  
 at the term of the said Court of King's Bench for the  
 District of Montreal to commence and be holden at Our  
 City of Montreal on the said twenty eighth day of  
 August next, the said Audé Desormeau do cause  
 and procure himself to be brought before the said  
 Court of King's Bench under legal process to the  
 intent of pleading the Our Royal Pardon, and further  
 upon condition that the said Audé Desormeau do  
 plead Our said Pardon and do procure and obtain  
 the Judgment and order of the said Court that he  
 be imprisoned in the said Penitentiary for and during  
 the term and period of seven years aforesaid, in  
 default whereof Our aforesaid pardon, and every  
 Clause, matter and thing herein contained shall be  
 and remain null and void to all intents and purposes  
 and our execution and punishment shall and may  
 be inflicted upon the said Audé Desormeau as if this  
 Our Pardon and these presents had never been  
 granted and issued.

W. Aylmer  
 Sec. Genl.

In Testimony to  
 Witness to



Province of Canada }  
}

Victoria, 10.

To all, 10.

Commissioner  
Clerk, Municipal  
Council

Whereas in and by a certain Ordinance of the Legislature of the late Province of Lower Canada, made and passed in the fourth year of Our reign, and intitled, "The Ordinance to provide for the better internal government of this Province by the establishment of local or Municipal authorities therein," it is among other things in effect, enacted, that from and out of a list of three fit and proper persons to be submitted by each of the District Councils to be constituted under the authority of the said Ordinance it shall be lawful for the Governor of the said late Province to select one to be and be called "the District Clerk," and that every such Clerk shall be appointed by an instrument to be issued under the Great Seal of the said Province. And whereas in and by a certain act of the Parliament of the United Kingdom of Great Britain and Ireland made and passed in the session held in the third and fourth years of Our reign, and intitled, "An act to unite the Provinces of Upper and Lower Canada and for the Government of Canada," it is among other things, in effect, enacted, that after the union of the said late Province, and the late Province of Upper Canada, in the manner by the said act provided, the powers vested in the Governor of the said late Province of Lower Canada by any act of the Legislature thereof shall in so far as they may not be inconsistent with or repugnant to the provisions of the said act, be vested in and may be exercised by the Governor of Our Province of Canada. And whereas the above cited enactment of the said Ordinance is not inconsistent with or repugnant to the provisions of the said act. Now therefore Know Ye that the District Council of the Municipal District of Starnham having submitted to Our Governor of Our said Province of Canada,



a list of three fit and proper persons whereof Samuel Wilson Smith is one to be District Clerk of the said Municipal District of Sydneyham, and we having full Confidence in the Loyalty, Integrity and Ability of him the said Samuel Wilson Smith have constituted and appointed, and by these Our Royal Letters Patent do constitute and appoint you from the said Samuel Wilson Smith to be the District Clerk of the said Municipal District of Sydneyham in the Room, Place and stead of James Blackburn Esquire, ~~who~~ who hath resigned the said Office.

To have and to hold the said Office of District Clerk of the Municipal District of Sydneyham, with all and every the rights, powers, privileges, advantages, and Emoluments thereunto belonging or in any wise appertaining unto him the said Samuel Wilson Smith during Our Royal Pleasure and subject in all things to the provisions, requirements, and enactments of the said Ordinance, and of the Law touching the said Office.

C. N. G. M.  
Atty Genl

In Testimony to



Province of Canada }  
District of M<sup>c</sup>. Victoria &c.  
To all &c

Information  
for  
Entering  
Soldiers to  
Desert.

Be it remembered that The Honorable Louis Hippolyte LaFontaine, Esquire, Attorney General for Our Sovereign Lady the Queen for that part of the Province of Canada, heretofore Constituting the Province of Lower Canada who for Our Sovereign Lady the Queen in this behalf prosecutes comes in his own proper person before three of the Justices of the Peace of Our said Lady the Queen, assigned to keep the Peace in and for the said District on Saturday the fourteenth day of January in the sixth year of the reign of Our Sov<sup>er</sup>ty &c, and for Our said Lady the Queen, gives the Justices now here to understand and be informed that one Patrick Mc Kimmion the Younger late of the County of Beauville, in the District of Montreal and Province aforesaid, Labourer, heretofore, to wit, on the thirteenth day of November, in the year aforesaid, in the District aforesaid, did, by words and other means both directly and indirectly, wickedly, advisedly, and unlawfully go about and endeavour to persuade, prevail on, and procure one Dennis Mc Gonigal, and one Thomas Lewis, both then and there being private Soldiers in the service of Our said Lady the Queen to desert & leave such service as aforesaid in contempt of Our said Lady the Queen and her Laws, to the evil example of all others in the like case attending, against the peace of Our said Lady the Queen, Her Crown and Dignity, and against the form of the Statute and Ordinance in such case made and provided, by reason whereof, and by force of the said Statute and Ordinance the said Patrick Mc Kimmion the Younger hath forfeited and lost the sum of forty pounds sterling money of Great Britain.

Whereupon the said Attorney General of Our said Lady the Queen, who for Our said Lady the Queen in this behalf prosecutes for Our said



said Lady the Queen pray the consideration of the  
Justice now here in the premises, and that due process  
of Law may be awarded against the said Patrick  
McKinnon the Younger in this behalf to make  
him answer to Our said Lady the Queen, touching  
and concerning the premises aforesaid.

W. Buchanan  
for Atty. Genl



Province of Canada }  
Victoria, 10,  
To all, 10,

Whereas in and by an Ordinance of the late Province of Lower Canada, passed in the Second year of Our Commission Reign, and intitled, "An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Church Yards," it is among other things ordained and enacted that it shall be lawful for the Governor or person administering the Government by a Commission under the Great Seal and in our name to Commission, name, and appoint in each of the Districts of Our said Province five persons duly qualified and resident therein to be Commissioners for the purposes of the said Ordinance, and that the Commissioners so appointed in each District may together or any three of them at least may exercise the authority, Jurisdiction, and powers which are vested in them by the said Ordinance until the revocation of their Commission. And whereas by a certain act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the Twelfth year in the third and fourth years of Our reign, and intitled an act to re-unite the Provinces of Upper & Lower Canada, and for the government of Canada, it is amongst other things in effect enacted that the powers vested in the Governor of the said Provinces to be exercised by and with the advice of Our Executive Council for the said Province shall from and after the day when our said late Provinces shall be united and form one Province under the name of the Province of Canada, in so far as the same shall not be inconsistent with or repugnant to the provisions of the said act be vested in and may be exercised by Our Governor of Our said Province of Canada with the advice of Our Executive Council for the said last mentioned Province. And whereas by the provisions of the said Ordinance are not inconsistent with or repugnant to the provisions of the said act. And whereas by Our certain Letters Patent under the Great Seal of

Archives de la Ville de Montréal



of Our said late Province of Lower Canada, bearing date at Our Government House, in Our City of Montreal, the ninth day of July in the third year of Our reign, We were pleased to appoint The Honourable Hugues Meneu, René Rumber, Antoine Polette, Jene Desjardis and Valere Guittet, to be Commissioners for the purposes of the Ordinance hereinafore cited in and for the District of Three Rivers. And whereas since the issuing of the said Commission Letters Patent the said René Rumber is deceased and it is expedient to appoint another Commissioner in his place and stead. — Now therefore Know Ye that we having confidence in the loyalty, integrity, fitness, and capacity of W. C. H. Coffin of the Town of Three Rivers, Esquire, have been pleased to Commission, name, and appoint and by these presents do Commission, name and appoint the said W. C. H. Coffin to be one of the Commissioners for the purposes of the Ordinance hereinafore cited in the room, place and stead of the said René Rumber. — And we do hereby associate him for that purpose with the said Hugues Meneu, A. P. D. and V. J. Our Commissioners named in and by Our first in part recited Com<sup>o</sup>. — To have and to hold, exercise and enjoy the said Office of Commissioners unto them the said W. H., A. P. P. D. V. J. and W. C. H., during Our pleasure and the residence of the said W. H., A. P. P. D. V. J. and W. C. H. within the said District of Three Rivers or until <sup>the</sup> Our Commission shall be revoked or annulled, together with all and singular the authority, jurisdiction and powers, vested in such Commissioners or to them in any case appertaining under and by virtue of the said Ordinance and under and subject to all and every the provisions, enactments and requirements thereof —

In Test.

MS



Province of Canada.

Victoria, 10.

To all, 10.

Com<sup>n</sup>  
Rec<sup>d</sup>

Know You that reposing trust and confidence in your  
 loyalty, integrity, and ability, We have constituted and  
 appointed, and by these presents do constitute and appoint  
 you to be Registrar of the District of Gaspé in that part  
 of Our P of C which formerly constituted Our late  
 P of L. C. under and subject to the provisions of an  
 Ordinance of the Legislature of Our said late Province  
 of Lower Canada, passed in the fourth year of Our reign,  
 intituled, "An Ordinance to prescribe and regulate, the re-  
 gistering of titles to Lands, tenements, and hereditaments, real  
 or immovable estates, and of charges and incumbrances  
 on the same, and for the alteration and improvement of  
 the Law in certain particulars, in relation to the Alienation  
 and hypothecation of real estates, and the rights and  
 interest acquired therein," in the room, place, and stead of  
 N. A. Hale, Esquire, who hath resigned the said Office. — We  
 have and do hold the said Office together with all and every  
 the powers, authority, privileges, profits ~~and~~ emoluments &  
 rights to the said Office of right and by Law appertaining  
 for and during Our Royal Pleasure.

In Testimony &c



Province of Canada,  
 Victoria Co.,  
 To all, &c.

London— Whereas lately at our Court of King's Bench for our District  
 Unconditional of Montreal, begun and holden at the Court House in the City  
 of Montreal for the cognizance of all Crimes and Criminal  
 Offences on Monday the twenty eighth day of August in the  
 seventh year of Our reign before The Honorable Joseph  
 Kemi Vallières de St. Armand, Esquire, Chief Justice of our  
 Court of King's Bench for our District of Montreal,  
 The Honorable Jean Roch Rolland, Samuel Jule, and  
 Charles Druery Day, Esquires, Justices of the same Court  
 William Scott late of &c, was in due form of law con-  
 victed of a certain Misdemeanor. And whereas  
 upon the said Conviction it was considered and  
 adjudged by the said Court that the said William  
 Scott should be imprisoned and detained in the  
 House of Correction of and for the said District of  
 Montreal, and there kept at hard labour during the  
 space of three Calendar Months, and that he should  
 there be discharged; as in and by the record of the  
 said Conviction and sentence still remaining in our  
 said Court of King's Bench, reference being thereunto had  
 may more fully appear. And whereas We have  
 been informed by the said William Scott to grant him  
 Our Royal Pardon for and respecting <sup>the said</sup> the said sentence of  
 all and every the imprisonment and punishment to be  
 done and inflicted on him in pursuance thereof. Now  
 Know Ye that having taken the premises into Our  
 Royal Consideration, and being willing to extend Our  
 grace and mercy to the said William Scott, We have par-  
 doned remitted and released and by these presents do  
 pardon, remit, and release the said William Scott  
 of and from the said Misdemeanor whereof he stands  
 convicted as aforesaid and of and from the said sentence  
 of all and every the imprisonment and punishment which  
 might be legally done and inflicted on him in pursuance  
 thereof. —

In Testimony &c  
 Archives de la Ville de Montréal  
 Witness, &c.



Province of Canada  
Victoria &c

To the Sheriff of the District of Montreal, in the Province  
of Canada  
Greeting.

Whereas Wheeler William Scott late of the Parish of Montreal, in the  
of County of Montreal, in the District of Montreal, Labourer,  
discharge stands convicted of a certain Misdemeanor for which mo-  
dumrauer the said William Scott is now detained in Our  
Common Gaol of and for an District of Montreal. And  
Whereas in and by Our Certain Letters Patent under  
the great Seal of Our Province of Canada, bearing  
the same date as these presents We have been graciously  
pleased to grant Our Royal Pardon to the said William  
Scott of and from the said Misdemeanor whereof he  
stands convicted as aforesaid and of and from all and  
every the sentences and the imprisonment and  
punishment which might be legally done and  
inflicted on him in pursuance thereof.

Our Will and pleasure therefore is and we do  
hereby order that the said William Scott be forth-  
with discharged from Our said Common Gaol  
and out of Our custody. Provided always that the  
said William Scott be detained in the said  
Common Gaol by reason of the said offence  
for no other Cause whatsoever.

M. J.



Province of Canada

Victoria Que

Writ of Recipias

To John Boston Esquire joint Sheriff of our  
District of Montreal,

Greeting

Whereas Carolus Lepage lately of our District  
of Montreal in our Province of Canada, but for some  
time commorant or resident at Champlain in the  
State of New York, one of the United States of America  
Labourer, stands charged upon information under oath  
with having on the eighteenth day of July now instant  
feloniously fired the Court House in and for the said  
District of Montreal - And whereas by the laws of our  
said Province the said Carolus Lepage is accusable of  
the crime of Arson - And whereas we have reason to  
believe that the said Carolus Lepage has, since the  
commission of the said crime, fled to the said State of  
New York or to some other State within the United States  
of America - These are therefore to command and authorize  
you in due form to require and demands of and from  
all such Officers, Judges or Magistrates within the said  
State of New York or any other State within the said  
United States as have lawful power and authority  
in that behalf, the apprehension and examination of  
the said Carolus Lepage and all such other steps and  
proceedings as may be lawful and requisite therefor, and  
also at and within such limits as may be lawful upon  
the delivery into your hands by the proper Authorities  
of the body of the said Carolus Lepage to take him into  
your Custody, and keep him detained until you deliver  
him into the Custody of the Keeper of our Common  
Gaol either of our said District of Montreal or of any  
other of our Districts in our said Province, and for  
so doing this shall be your sufficient Warrant.

In testimony Yea  
Witness Yea

This is my Draught  
Montreal 23<sup>rd</sup> July 1844  
A. Buchanan

26



Montreal April 1848

Proceedings  
to obtain  
Scire facias  
to repeal  
Letters Patent

His Excellency is pleased to refer this Memorial to Mr. Attorney or Mr. Solicitor General, to consider thereof and report his Opinion what His Excellency may fitly do thereon; - Whereupon His Excellency will declare his further pleasure.

Attorney General's Office. L.  
Montreal 5<sup>th</sup> April 1848

In Obedience to the above Reference, the undersigned Her Majesty's Attorney General for Lower Canada, begs humbly to report and certify to His Excellency the Governor General, that the said Memorialists are entitled, of right, for the causes stated in their said Memorial, to have proceedings in the nature of a Scire facias, brought in Her Majesty's name to repeal the Letters Patent in the said Memorial mentioned; and as the said Ebenezer Baird will have an Opportunity of making his defence when such proceedings shall be taken, the undersigned humbly conceives it may be fitting for His Excellency the Governor General to order proceedings in the nature of a Scire facias, to repeal the said Letters Patent, and for that purpose to issue his Warrant to the undersigned, directing him to cause the necessary process to be sued out if His Excellency shall be pleased so to do.

L. H. LaFontaine  
Att. Genl.

Provisu



## Province of Canada

## Elgin &amp; Kincardine

Gov. Genl's  
Warrant to  
H.M.'s Att'y Genl.  
to see out a  
Scire facias  
to repeal  
Letters Patent.

Whereas the Religious Community of Ursuline Nuns of the City of Quebec have, by their Memorial, humbly represented unto us, that Letters Patent in Her Majesty's name have issued under the Great Seal of this Province, bearing date at Montreal the \_\_\_\_\_ day of February last past, to give and grant unto Ebenezer Baird, of the City of Quebec, Esquire, a certain tract or parcel of land, being part of the beach of the Riviere Lawrence, at the place called Lance des Mers in the said Letters Patent more particularly described: that the said parcels of land adjoin and is bounded by certain lands belonging to the said Community of Religious Ladies, who are riparian proprietors, and that the said grant is injurious and prejudicial to the rights of the said Community of Religious Ladies to the use and enjoyment of the said Beach, and to the servitude or easement to, over and upon the said beach to which they lay claim as legally vested in them as such riparian proprietors. The Memorialists, therefore, pray, that we would be pleased to issue our Warrant in Her Majesty's name to you, her Attorney General, thereby authorizing and directing you to cause proceedings in the nature of a scire facias, to be taken in Her Majesty's name, for repealing the said Letters Patent of the said Ebenezer Baird, as invading the rights and interests of the said Memorialists. And whereas we, having referred the said Memorial to you, or Her Majesty's Solicitor General, you the said Attorney General, by your report thereupon have humbly certified unto us, that the said Memorialists are entitled of right, for the causes stated in the said Memorial, to have proceedings in the nature of a Scire facias brought in Her Majesty's name, to repeal the said Patent, and as the said Ebenezer Baird will have an opportunity of making his defence, when

Archives de la Ville de Montreal  
Such



such proceedings shall be taken, you humbly conceive it may be fitting for us to order proceedings in the nature of a Scire facias to repeal the said Letters Patent, and for that purpose to issue Our Warrant to you, authorizing and directing you to cause the necessary process to be sued out if we shall be pleased so to do. — We taking the premises into our consideration, are pleased to condescend thereunto. Our will and pleasure therefore is, that you sue out and prosecute process in the nature of a Scire facias, in Her Majesty's name, for repealing the said Ebenezer Baird's Patent. — And we do hereby authorize and require you to do and perform all matters and things that may be necessary in that behalf, and for so doing this shall be your Warrant.

Given at the Government House, in the City of Montreal this                      day of April, in the Eleventh year of Her Majesty's Reign.

By His Excellency's Command

To The Honorable  
L. H. La Fontaine  
H. M.'s Attorney General



Province of Canada }  
 District of Quebec } Court of Queen's Bench  
 Oct. Term. 12. Vict.

Inf<sup>m</sup> in an  
 action an  
petitio

As it remembered that Louis Hypolite LaFontaine Esquire, Attorney General of Our present Sovereign Lady the Queen, who prosecutes for Our said Lady the Queen in this behalf, comes in his own proper person before the Justices of this Court of Queen's Bench of our said Lady the Queen, in and for the District of Quebec, on the second day of October in the year of Our Lords one thousand eight hundred and forty eight, in the Term of the Court, now here holding, and for our said Lady the Queen, gives the Court here understood and be informed; That whereas His late Majesty George the Third, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, on the first day of February in the year of Our Lord one thousand eight hundred and eighties, was seized in his demesne as of fee, as owner and proprietor in right of his Crown of the United Kingdom of Great Britain and Ireland of and in a certain tract, piece or parcel of ground, situated in the Lower Town of Quebec, in the Parish of Quebec, in the County of Quebec, in the District of Quebec, containing about thirty eight feet two inches in front by about twenty three feet ten inches in depth, forming about nine hundred and nine feet seven inches and eight parts in superficies, English measure, throughout, bounded in front, towards the East by Champplain Street, ranging with the foot of the Cliff, in the rear, towards the west, by the said Cliff, on one side towards the North, by grounds belonging to Her Majesty, and on the other side towards the South by grounds also belonging to Her Majesty; and on the day and year last mentioned, and long before, the said tract, piece or parcel of ground, and all advantages commodities and profits to the same in anywise belonging



belonging, in the hands and possession of His said  
 late Majesty George the third were and stood, and of  
 right ought to be, as in right of his said Crown; and  
 from and after the demise of His said late Majesty  
 George the third, the said tract, piece or parcel of  
 ground and premises became and were vested  
 in His late Majesty George the Fourth, of the said  
 United Kingdom of Great Britain and Ireland,  
 King, Defender of the Faith, and thereof His said  
 late Majesty George the Fourth, became and  
 was seized in his demesne as of fee, as owner  
 and Proprietor in right of his Crown of the  
 said United Kingdom; and from and after the  
 demise of His said late Majesty George the Fourth,  
 the said tract, piece or parcel of ground, and  
 premises, became and were vested in His late  
 Majesty William the Fourth, of the said United  
 Kingdom of Great Britain and Ireland, King  
 Defender of the Faith, and thereof His said late  
 Majesty William the Fourth, became and was  
 seized in his demesne, as of fee, as owner and  
 proprietor in right of his Crown of the said United  
 Kingdom; and from and since the demise of  
 his said late Majesty William the Fourth, the said  
 tract, piece or parcel of ground and premises  
 became and were and are vested in our present  
 Sovereign Lady Victoria, by the Grace of God,  
 of the United Kingdom of Great Britain and  
 Ireland, Queen, Defender of the Faith, and  
 thereof our present Sovereign Lady the Queen  
 became and was and is seized in her demesne  
 as of fee as the true and lawful owner thereof.  
 Yet one John Young, of the said Parish of  
 Quebec, in the said County of Quebec in the  
 said District of Quebec, Blacksmith, not regard-  
 -ing the Laws of this Province but intending  
 the dishonour of His said late Majesty George  
 the Third, and of our said present Sovereign  
 Lady, the Queen, in the premises, with force  
 and



and arms, on the said first day of February, in the year of Our Lord one thousand eight hundred and eightee, and on divers days and times between the day last-mentioned, and the day of exhibiting this Information, in and upon the petition of his said late Majesty George the Third, King of Our said present Lady the Queen, of the said Premises, entered, intruded and made ingress, and the issues and profits thereof coming, perceived and had, and as yet doth perceive and have, to the same use, and the same trespass continuing and as yet continuing doth withhold and detain the said tract, piece or parcel of ground from our said Lady the Queen, in contempt of our said Lady the Queen, and against her Laws; and to the damage of Our said Lady the Queen, of One hundred pounds current money of this Province.

Wherefore the said Attorney General of our said Lady the Queen, prays the consideration of the Court here, in the Premises, and that due process of Law may be awarded, to compel the said John Young to be and appear in the Court here on the day of next to answer the Premises, and in as much as our said Lady the Queen, is and of right ought to be seized in her demesnes as of fee of the said tract, piece or parcel of ground and Premises hereinbefore described, as the true and lawful owner thereof, the said John Young, who is in the possession of the same, may be adjudged and condemned to desist from, quit and abandon, and may be removed from the possession and occupation of the said tract, piece or parcel of ground and Premises and that the same be rendered and delivered up to our said Lady the Queen, and that the said John Young be also adjudged and condemned to render and yield to our said Lady the Queen, the rents, issues and profits



profits of the said tract, piece or parcel of  
ground by him unjustly perceived and had,  
and to pay to our said Lady the Queen, the  
said sum of One hundred pounds with  
interest and Costs of suit.

L. H. L.

Atty Genl

H. B



**Pages non numérisées**

**131 à 534**

**Pages Vierge**







Province of Canada.

Know all Men by these Presents that We,

are held and firmly bound to Our Sovereign Lady Queen Victoria, Her Heirs and Successors, in the following sums, that is to say :

To be paid to the use of Our said Lady the Queen, Her Heirs and Successors. For which payment well and truly to be made, We severally bind ourselves, (and not each for the other) and our respective Heirs, Executors and Administrators, firmly by these presents, Sealed with our respective seal, and dated this



**Whereas** His Excellency the Governor General in Council hath been pleased to appoint the said

Agent for the disposal of Public Lands, in and for the following Townships in the District of Lower Canada

Now the Condition of this Obligation is such that if the said

shall and do, from time to time and at all times, well and truly perform and fulfill the duties of his said office, and shall deliver to his Successor in office, or to any other person appointed to receive them, all the Books, Letters and other papers in his possession, relating to the business of his Agency, and shall and do well and truly account for, and pay over all sums of money, securities for money and other property, which have or shall come into his hands for the use of Her Majesty, Her Heirs and Successors, according to the form, true intent and meaning of the said Act, or which shall come into his hands for the use of Her said Majesty, Her Heirs or Successors, in obedience to the lawful instructions of Her Majesty's Commissioner of Crown Lands, in and for the Province of Canada,



whether the same may be proceeds of sales of Crown Lands, arrears or Quit Rent thereon, proceeds of Sales of Clergy Reserve Lands, arrears or Quit Rent thereon, Timber dues, whether on Crown or Clergy Lands, howsoever or upon what account soever the same may be received, at such times and in such manner and form as the said Oct, or lawful Orders and Instructions of the Governor General or person administering the Government of this Province, or of Her Majesty's Commissioner aforesaid, or of any other officer or officers duly authorised in this behalf, shall from time to time enjoin and require ;

When this Obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Executed, }  
In the presence of }



Some  
Bond taken from the  
District Agents for sale  
of Crown Lands

and said by Mr. King to  
have been rather long  
since —

Letter by Mrs. of John Proulx  
very poor



Know all Men by these Presents, that We

are hereby held and firmly bound to our Sovereign Lady **VICTORIA**, by the Grace of God, of the United Kingdom of Great Britain and Ireland, **QUEEN**, Defender of the Faith, in the sum of five hundred pounds, current money of this Province of Canada, to be paid to our said Lady the **QUEEN**, Her Heirs and Successors, to which payment, well and truly to be made, we bind ourselves, and every of us, jointly and severally, for and in the whole, and the Heirs, Executors, Curators and Administrators of each of us respectively, firmly by these Presents; signed by us, and sealed with our seals severally and respectively. Dated at \_\_\_\_\_ in the said Province, this \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the Reign of Her said Majesty, and in the year of our Lord, One thousand eight hundred and forty-

Whereas, the above bounden \_\_\_\_\_ hath, by and in virtue of a certain License, under the hand and seal of \_\_\_\_\_ District Inspector, for the District of \_\_\_\_\_ in that part of the said Province which heretofore constituted the Province of Lower Canada, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and forty- \_\_\_\_\_ been authorized and empowered to act as Auctioneer within the said late Province of Lower Canada, for and during one year from and after the day and year last aforesaid, agreeably to the provisions of a certain Act of the Legislature of the Province of Canada, made and passed in the fourth and fifth years of the Reign of Her said Majesty, intituled: "An Act to make certain alterations in the Laws relative to the Duty upon Sales of Property by Auction." And whereas it is necessary that security should be given by the said above bounden \_\_\_\_\_ according to the requirements of the said Act of the said Legislature.

**Now the Condition** of this Obligation is such that if the said \_\_\_\_\_ shall well and truly pay to the District Inspector, of and for the said District of \_\_\_\_\_ for the time being, or to such other person or persons as shall be by the said District Inspector duly authorized to receive the same, all and every the duty, sum, and sums of money, by the said \_\_\_\_\_ retained and received, or by him otherwise payable, under and by virtue of the provisions of the said Act, out of and upon all and every the goods, wares, merchandizes, and effects, which shall have been, or which shall be during the said period of one year, put up to sale at public auction or outcry, within the said part of this Province heretofore called Lower Canada, and by him sold to the highest bidder; and if the said \_\_\_\_\_ as a Licensed Auctioneer as aforesaid, for and during the said period of one year, shall, in all things, well, truly, and faithfully behave and demean himself, according to the true intent and meaning of the said Act of the said Legislature, then this Obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Delivered (in Duplicate) in presence of



Form of  
Auctioneer's Bond

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