

4x? V. V. 5-11g. 8/7.2.

W VI. 579

~~104~~
104? h. 113?
103?

WV — 602 h.
VV 612

√ 235. 235 h.

614
615

√ 241 F

620
624

√ 263

313? 328?

626 h.
649

√ 377-9

651
653 h.?

381 h.?

413?

0? 670?

419?

0? 698?

421?

454 h.

? 457 h. ? see date h.

709
716
720
722

470?

727.8
730.9

476?

W 739, 40

510?

736
736

√ 574 h.

0 7483

824
835

847
859

850

868-9 h.

945
 954?
 957
 958
 971-2
 977?
 970? ask de. la Frêre.
 987-8.
 1011-5-0
 1095
 1107-3
 1110
 1131-5,6
 1130-9
 1140-8.
 1180-1
 1193
 1213
 1220
 1228
 1231-7

Queer as to rest
I think I read all Vol.

1st Series
Vol. I

- a) p. IV + V List of Governors (copying also the pencil notes.)
- b) p. 8 + 9. ~~Letter~~ Extract of Letter of Louis 13. 1658. Feb. 10.
- c) p. 30, 31, 32. - Instructions to de Tracy. 1664. Nov. 15.
- d) p. 33 + to end of 4th line of 37
- e) p. 40 from beginning of 7th line, + to end of 7th of 42.
- f) p. 43, last 6 lines + first 5 of 44.
- g) p. 45, last 10 lines + first 6 of 46.
Extract from Royal Instructions to Talon 1665. Mar. 27.
- h) p. 52 from beginning of 7th line + to end of 8th line of 54.
- i) p. 58 from beginning of 10th line + to end of 8th line of 59.
Extract from desp. of Talon 1665. Oct. 4
- j) p. 81 last 2 lines + to end of 5th line ^{from bottom,} of 85.
- k) p. 92 last 9 lines, + first 13 of 93.
Extract from desp. of Colbert 1666. Apr. 5.
- l) p. 141 last 4 lines + to end of 4th line from ^{bottom} of 142.
Extract from desp. of Talon 1667. Oct. 27.
- m) p. 108 last 12 lines + first ~~12~~²² lines of 109.
Extract from desp. of Talon 1670. Nov. 10.
- n) p. 216. from beginning of 6th line, to middle of 17th.
- o) p. 218 from beginning of 11th line, to end of 24th.
- p) p. 220 from beginning of 6th line to end of 12th.
Extract from Instructions by Colbert to Frontenac 1672. Apr. 7.
- q) p. 224. from beginning of 15th line to middle of 21st.
Extract from desp. to Talon 1672. June 4
- r) p. 240. last 9 lines + first 14 lines ^{of the Ville de Montreal}
Extract of desp. of Colbert to Frontenac 1673. June 13.
- see over on other side

s. ✓
p. 243, last 12 lines & to end of 9th line of 245.
Extract of desp. of Colbert to Frontenac.
1674. May 14.

t. ✓
p. 202, 3 & 4. Petition for grant of Fort Frontenac.
1674

Vol. II.

u. ✓
p. p. 9, 10, 11 & 12. Lettres de Noblesse
de La Salle
1675. 13 May.

v. ✓
p. 340 from beginning of 6th line & to end of 3rd
of 341.
Extract of desp. to De Meulles.
1684. Apr. 10.

- 1.) I. 82 from top to 84 near bottom.
grant of Sal. of Mt.
- 2.) I. 84 from near bottom to 86 near top.
Transport of same to de la Roche.
- 3.) I. 86 from near top to 88 at bottom.
Donation of same.
- 4.) I. 110 from top to bottom of 118.
mortgage on the Croix.
- 5.) I. 152 from top to middle of 162.
Agreement between Co. N.T. &
Carpentier.
- 6.) I. 182 from top to bottom of 190.
Com^{te} or grant to d'Armagh Cham.
mixt.
- 7.) I. 200 from top to bottom of 210.
Do to de la Tour.
- 8.) I. 221 from top to bottom of 223.
acceptance by King of duc de
Bendome et Co. Seigneur of duc de
i.
- 9.) I. 235 from top to bottom of 236.
Resolve of Co. N.T. as to camp of
stone etc.
- 10.) I. 315 from middle to "des particuliers"
on 1st line of 316.
Exp. of dispatch of D'Armagh.
- 11.) I. 324 from "sur la prescription" to "d'une le
vocation" — about 2 pages.
Exp. of another top. of same.
- 12.) I. 289 from top to bottom of 291.
Further ad to d'Armagh Chamiz.
- 13.) I. 49 from "la Majesté Consideira" to
bottom of 51. Archives de la Ville de Montréal
Exp. from Etat by Co. N.T.
- 14.) I. 105 from near top to bottom of 107.

- 15) II. 203 from top to bottom of 205.
Etat of Jesuits' properties.
- 16) II. 109 from top to bottom of 115.
Narrative of Frontenac.
- 17) II. 123 from last line but one to "leurs négros",
5th line from bottom of 125.
- 18) 136 last 5 lines & to 1st line of 139.
- 19) 148 last 3 lines to 5th line from bottom
of 150.
- 20) 153 last line, & to 4th line from bottom
of 154.
Extract from despatch of Frontenac.
- 21) II. 296 from 6th line to last line but 2 of 297.
- 22) 299 from 9th line to 10th line of 302.
- 23) 317 from 2d line to 9th line from bottom of 318.
- 24) 329 from 9th line from bottom, to 2d line of 341
- 25) 358 from 12th to 22d line.
Extract from despatch of Frontenac.
- 26) II. 75. last 3 lines & to 9th line of 77.
- 27) 104 last ^{5 lines} ~~paragraph~~ & 14th line of 105
Extract from despatch of Frontenac.
- 28) II. 25 from "à fin de vous faire, below middle, to
"meone last line but one of 33
- 29) 36 from "ni ailleurs" 7th line from bottom, to
"pays" 7th line of 38.
- 30) 40 from "nous avons" 5th line, to "renuissiez
concessions" 9th line of 43.
Extract from despatch of Duchesneau.

31. J IV. ~~XX~~. 46, last 8 lines, & first 10 lines of 47.
 32. J 48, from 8th line to 10th line of 49.
 Extracts from deep. of Du Chesneau.
33. J IV. ~~XX~~. 152, from 10th line to 4th from bottom.
 Extract from deep. of Du Laforce.
34. J IV. ~~XX~~. 184, from 8th line to 6th from bottom.
 35. J 218 from 7th line to 8th from bottom.
 Extracts from deep. of Demeulles.
36. J IV. ~~XX~~. 348. Last 7 lines, to 4th line of 350.
 37. J 350 last 2 lines, & to 8th line from bottom
 of 350.
 Extracts from deep. of Demeulles.
38. J IV. ~~XX~~. 407 from top, to bottom of 411.
 Doct. by Demeulles.
39. J IV. ~~XX~~. 441 from 11th line to 3rd line of 443.
 40. J 452 last 5 lines, to 2d line of 455.
 41. J 457 last 3 lines, & first 9 lines of 458.
 Extracts from deep. of Denouville.
42. J IV. ~~XX~~. 384 from top, to bottom of 386.
 Proposal for grant in Acadie.

- 43.) V. 115, last 3 lines & first 3 of 110
 Exh. of desp. of Champigny, of
 1092. Oct. 10.
- 44.) V. 179, from top to bottom of 181.
 Pet. ^{of Simon Denis} as to a grant in Acadie, of 1686.
- 45.) V. 204, from middle, to 5th line of 200.
 write for this — ~~209~~ 209, from top, to 7th line of 210.
 Exhact from desp. of Denonville,
 of 1686, May 8.
- 46.) V. 244, from beginning of 4th line, to end of 4th line
 from bottom.
 Exhact of desp. of Denonville
 of 1686, June 12.
- 47.) V. 259, last 5 lines & first 7 of 260
- 48.) V. 264, last 7 lines & to middle of 265 and of
 1st line of 267.
- 49.) V. 267, from beginning of 12th line to end of last
 line but one.
- 50.) V. 277, last line & to 11th of 278
- 51.) V. 284, from beginning of 5th line, to end of 4th line
 of 289.
- 52.) V. 291, last 10 lines.
- 53.) V. 296, from top, to end of 9th line of 298.
 Exhact of desp. of Denonville, of
 1686. Nov. 10.
- 54.) V. 320, from beginning of 4th line from bottom,
 & to end of 5th line of 341.

55)

323, from beginning of 10th line, to end of 10th line.

56)

341, from beginning of 9th line from bottom, to end of last line but one.
Extract from desp. of De Champigny, of 1888. Nov. 10.

57)

V. 345, from top, to bottom of 346.
Certificate as to Acadie. 1887. Oct. 5

58)

V. 347, from top, to bottom of 353.
Further as to Acadie. 1735

59. ✓ +

V. 373, from beginning of last line of 371,
to end of 17th line of 375.

60. ✓ +

383, last 10 lines, to end of 13th line of 384.
Extracts of desp. of Denonville, of
1687. Aug. 25.

61. ✓ +

V. 410, from beginning of 5th line, to end of
4th line of 412

62. ✓ x

420, last 2 lines to first 2 of 421.
Extracts of desp. of Denonville, of
1687. Nov. 1.

63. ✓ +

V. 547 last 10 lines to first 18 of 548.
Extract from desp. of Denonville
& Champigny, of 1688. Nov. 6.

- 64) II. 6, from top to end of 4th line of 9.
- 65) 13, from 2^d word of 0th line, to end of last line
- 66) 17 last 5 lines, to end of 5th line from ^{but one} bottom
 Extracts from ^{Memoire} ~~desp.~~ of Champigny, of 1891, May 10.
- 67) II. 30, last 3 lines, & 1st line of 37.
- 68) 39, last 8 lines & first 3 lines of 40.
 Extracts from other desp. of same, under same date. 1891. May 10.
- 69) II. 85, from top, to bottom of 90.
 Memoire by same, 1891. Oct. 12.
- 70) II. 135, from beginning of line 11 to "côlé" in last line but one.
 Extract from desp. of Frontenac, 1891. Oct. 20.
- 71) II. 162, from beginning of 15th line to end of 9th line of 163.
 Extract from desp. of Champigny 1891. Nov. 12.
- 72) II 172, last line, & first 9 lines of 173.
- 73) 177, from beginning of 2^d line to end of 10th line.
- 74) 186, last 3 lines & first 4 of 187.
 Extracts from joint desp. of Frontenac & Champigny. 1892. Sep. 15.
- 75) II. 227, last 3 lines & first 8 lines of 228.
 Extract from desp. of Champigny of 1892. Sep. 21.
- 76) II. 281, from beginning of ^{13th} line to end of last line but 2.
- 77) 290, from top to end of last line but one.
 Extracts from desp. of Frontenac & Champigny. 1893. Nov. 4.
- 78) II. 361 last line & first 6 of 362.
- 79) 364, three lines ending last but one.
- 80) 377 from beginning of 4th line to end of ^{last line but one} ~~22 line~~ of 378.
 Extracts from desp. of Champigny of 1893. Nov. 4.

- 81 ✓
82 ✓
- VII. 79, ~~from beginning of 8th to end of 15th line.~~
~~8th, 9th & 10th lines.~~
 85, last line & to end of 6th line of 87.
 Extracts from desp. of Champigny, 1694, Oct. 24.
- 83 ✓
- VII. 135, last 5 lines, & first 8 of 136.
 Extract from desp. of Frontenac. 1694, Nov. 24
- 84 ✓
85 ✓
86 ✓
- VII. 169, last 3 lines, & to end of last line but one of 170.
 173, from beginning of 9th line, to end of 10th line of 174.
 178, last 8 lines & first 9 of 179.
 Extracts from desp. of Frontenac (Champigny) 1694, Nov. 5.
- 87 ✓
88 ✓
89 ✓
90 ✓
- VII. 262, from beginning of 10th line & to end of 6th line of 263.
 278, from beginning of 7th line to end of 18th.
 287, last 17 lines & first 15 of 288.
 291, last 5 lines & first 12 of 292.
 Extracts from desp. of Champigny 1695, Nov. 6.
- 91 ✓
92 ✓
93 ✓
- VII. 302 from beginning of 5th line to end of 8th of 303.
 319 from beginning of 9th line to end of 8th of 320.
 322 from beginning of 8th line to end of 7th of 323.
 Extract from desp. of Frontenac (Champigny) 1695, Nov. 10.
- 94 ✓
95 ✓
- VII. 384 from top to end of 4th line from bottom of 387.
 391 from beginning of 5th line to end of 11th.
 Extracts from desp. of Frontenac (Champigny) 1696, Oct. 20.
- 96 ✓
- VII. 433, last 5 lines & first 13 of 434
 with what this is.

97)

VIII. 102, from beginning of 8th line to bottom of 104.
Extract of Mémoire as to
"Etablissement à faire à l'Acadie"
1697.

98)

VIII. 114. from top to bottom of 115.
Ord. as to coupes: 1697. June 1.
[Copy marginal note.]

99)

VIII. 152 last line, & to end of 9th line of 157.
158 last 5 lines & first 11 lines of 159.
Extracts from desp. of Champigny.
1697. Oct. 13.

Archives de la Ville de Montréal

100)

VIII. 208, last 7 lines, & first 15 of 209.

101)

102 ✓ +

216, last 8 lines, & first 4 of 217.

Extract from desp. of Frontenac & Champagne
1697, Oct. 19.

103 ✓ +

VIII. 254 from top to end of 257.

~~Ex~~ Acte Acadie 1697. Nov.

104 ✓ +

VIII. 312 ~~from top to~~ first 10 lines.

105 ✓ +

318, last 11 lines, & to end of 10th line of 320.

Extract from desp. of Frontenac
& Champagne.
1698. Oct. 15.

106 ✓ +

VIII. 417 from beginning of 8th line, to end of 32nd of 419

Extract from desp. of Desallieux & Champagne
1699. Oct. 20

107 ✓ x

VIII. 440, last 2 lines, & first 4 of 441

108 ✓ +

442, last 3 lines, & to end of 12th line of 445.

Extract from desp. of Champagne
1699. Oct. 20.

109 ✓ x

VIII. 467, last 5 lines & to end of 8th line of 470

Extract from desp. of De Villebrow, from
Fort St. Jean. 1699. Oct. 27.

110. ✓ +

VIII. 481 from beginning of 3rd line, & 1st line of 482.

Extract from Memoire of same;
Same date.

111 ✓ +

VIII. 574 all but 1st line, & to ^{same date.} beginning of 1st line of 575.

Archives de la Ville de Montreal
Extract from mem. of Lamotte Cadillac as
found in founding of Detroit. 1699.

- 112) IX. 66, last 4 lines & to end of 67.
- 113) 69, last 12 lines & ~~first of 70~~ to end of 10th line of 71.
- 114) 73, from beginning of 9th line from bottom, to end of 5th from bottom.
- 115) 83 last 12 lines, & first 10 of 84
- 116) 85 from beginning of 9th line to end of 15th.
-
- 117) + 87 from beginning of 9th line to end of 12th.
- 118) + 89 from beginning of 18th line to end of 22d.
 Extract from desp. of Desallieux & Champeigne
 1700, Oct. 18.
- 119) + IX. 256, from beginning of 10th line to end of 4th line from bottom of 258.
- 120) x 261 from beginning of 20 line to end of 7th from bottom of 264.
- 121) + 269 from beginning of 5th line to end of 12th.
- 122) x 270 last 8 lines & to end of 8th line of 278.
 Extract from desp. of Desallieux & Champeigne
 701 Oct. 5.
- 123) x IX 310, from beginning of 3rd line, to end of last but one.
- 124) x 320, last 5 lines & to "sauvages" in 5th line of 321.
- 125) x 330, first 6 lines.
 Extract from desp. of Du Rouillay
 1701, Oct. 27 & 30
- 126) x IX 379, from beginning of 15th line & 1st line of 380.
- 127) x 392 from beginning of 6th line to end of 19th.
- 128) x 393 from beginning of 7th line to end of 12th.
- 129) x 400 from beginning of 8th line to end of 10th.
- 130) x 402 from beginning of 16th line to end of 22d.
- 131) x 403 from beginning of 9th line to end of 13th.
 Extract from desp. of ~~Desallieux~~ Desallieux & Champeigne
 Beauharnois & Champeigne
 1702. Dec. 3.
- 132) x IX. 447. Paragraph preceding last 3 lines; with note in margin.
 Extract from resumé of desp. of Lamoignon Cadillec, with notes of Champeigne
 1703. Aug. 31.

~~Note in margin~~

133. X 28, last 11 lines & first 29.
Resumé of letter of L. de Fontaine, Secrétaire,
from Acadie. 1703. Oct. 21.
Copy exp. notes in margin.

134. X 75, last 4 lines & first 13 of 76.
135. 88 from beginning of 12th line, & first 14 lines of 89.
Excerpt from desp. of Lamoignon Cadillac
from Detroit. 1703. Aug. 31.

136. X. 141, from 2^d word of 2^d line to end of last line but 2.
137. 152, from beginning of 4th line to end of 8th.
138. 162, first 9 lines.
Excerpt from desp. of Vaudreuil & Beauharnois
1703. Nov. 15.

139. X 182 from beginning of 13th line, & first 13 lines of 183.
Excerpt from resumé of desp. of Du Ron-
dellan. 1703, Nov. 29.

140. X. 199, four lines before last 2.
Excerpt from resumé of letter of L. de Talain
with note of approval. 1703.

141. X 205, last 12 lines, & first 7 of 206.
Resumé of petition of L. de St. Aubin
with note thereon. 1703.

142. X 434 from beginning of 10th line to end of 21st.
143. 439 from beginning of 13th line to end of 2^d of 440.
Excerpts from desp. of Vaudreuil & Beauharnois
1704 Nov. 17.

X 480 from top
144. X 497, last 3 lines & first 5 of 498.
145. 507 last 4 lines & first 11 of 508.
146. 510 from beginning of 18th line to end of 21st.
147. 511 from beginning of 3rd line to end of 13th.
Excerpt from desp. of Vaudreuil, Beauhar-
nois & Raudot, 1705. Oct. 19.

148. X 535 from beginning of 11th line to end of 21st.
149. 538 last 3 lines & first 14 of 539.
150. 539 last 6 lines & to end of 21st of 542.
Excerpt from desp. of Raudot
1705, Oct. 19.

151. X 545 & following with the printed excerpt in the
Party papers: note Archives de la Ville de Montréal
copy whatever is not printed
Raudot 1707 Nov. 10.

(over)

7/30
11484
1918
2323
11075

1113
1484
1908
318
14823

152. ✓ p. 50 XI. from top of p. 10 to bottom of 22.
 precis of Complaint of Dauteruil apt.
 Kaudot. date?

153. ✓ p. 35 XI. from beginning of line 7 to end of line 19.

154. ✓ p. 75 from beginning of line 3 to end of 2d line of p. 77.
 Exacts of desp. of Vaudreuil & Kaudot
 of 1708, Nov. 14.

155. ✓ XI p. 96 last 3 lines to end of 18th line of 97

156. ✓ 112 from ^{beginning of line 9} middle to middle of 115.

157. ✓ 118 from middle to end of 17th line of 119.
 Exacts from desp. of the Kaudots, 1709, Oct. 4.

158. ✓ 136 & 137 note on above despatch.

159. ✓ XI 181. from beginning of line 10 to end of line 23.

160. ✓ 184. from beginning of line 10 to end of line 15

161. ✓ 189 from beginning of line 14 to end of line 4 of 190
 Exacts from desp. of Vaudreuil & Kaudot
 1710 Nov. 2.

162. ✓ XI 373 from middle to near middle of 374

163. ✓ 385 from beginning of line 0 to end of last line of 382.

164. ✓ 396, 4 lines ending 4 from bottom.
 Exacts from desp. of Vaudreuil & Bégon
 1712. Nov. 12.

165. ✓ XI p. 423, last 4 lines, & 1st of 424.
 Ex. of desp. of same. 1713. Nov. 15.

166. ✓ XI p. 474 from beginning of 9th line ^{end of} to last line but
 one of 479
 Ex. from Mem. of Dauteruil to Regent
 Paris. 1715. Dec. 12!

167. ✓ XI 709 from beginning of line 7 to end of line 11 of 703.
 Account of settlement of 1st Conceptions in
 Louisiana in 1718.

168. ✓ 731 from beginning of line 19 to end of line 12 of 735.
 Do- of others in 1720. Archives de la Ville de Montréal
 Exacts from narrative of Duicaut

x 201. Ed. 1884
Ed. 1952a Copy whole

VII p. 65 last 7 lines & first 7 of 66.

Exp. from Memoire instructif des intentions du Roy, pour le fort. & l'habitation Canada. 1710.

- x 202. ✓ VI 47 & 48. As to Change of Sault au Recollet mission. 1710
- x 203. ✓ VI 74 last 9 lines & p. 75. As to grant of Vandreville. 1710.
- x 204. ✓ VI 82 last 8 lines, & to end of 6th line of 86. 1710. Mas.
- x 205. ✓ VI 235 ^{last 7 lines, &} ~~from beginning of 5th line~~ to end of 5th ^{line} from bottom of p. 236.
- x 206. ✓ 240 from beginning of line 10 to end of line 14. Exp. from desp. of Vandreville & Bayou, 1710 Oct. 14
- x 207. ✓ VI 263, from top to end of 264. Desp. of Vandreville 1710. Oct. 24. 12.
- x 208. 197b. ✓ VI 327, from top to end of document in ^{middle of} p. 330. proceeding of Cons. de la Mer. as to Labrador. 1717 Feb. 23.
- x 209. 197c. ✓ VI 377, ^{from top,} to bottom of 379. Proc. of Cons. de la Mer. 1717, Apr. 9.
- x 210. 197d ✓ VI 381 from top to end of 6th line of 382. Proc. of Cons. de la Mer. 1717. Apr. 12.
- x 211. 199a ✓ VI 411 last 4 lines, & to near bottom of 414. D^e 1717, June 15.
- x 212. 199b. ✓ VI 419, lower half, & upper half of 420. D^e 1717, June 10.
- x 213. 201a ✓ VI 437 from beginning of 7th line & to end of 5th line from bottom of 441. Proc. of Cons. de M. 1717 Aug. 18.
- x 214. 203a ✓ VI 514 from middle to end of 521. Proc. of Cons. de Marine. 1717. Dec. 14.
- x 215. 204a ✓ VI 578 from top to end of 4th line of 579. Exp. from desp. V. & B. 1718. Nov. 8.
- x 216. 211a. ✓ VII 601 from top first 9 lines.
- x 217. 211d. 602 from beginning of 9th line & to end of 9th line of 608.
- x 218. 211a". 612 last 4 lines & first 2 of 613. Exp. from desp. of V. & B. 1719 Oct. 26.
- x 219. 211b. ✓ VII 614 from beginning of 13th line to end of 10th line.
- x 220. 211b'. 615 last 10 lines & first 7 of 616.
- x 221. 211b". 620 from beginning of 5th line to end of 18th line.
- x 222. 211b'''. 624 from beginning of 14th to end of 20th line. Exp. from desp. V. & B. 1719 Oct. 26.

- +223 211c. VII 626 from top to middle of 628.
Desp. V. 1713. 1719 Oct. 26.
- +224 211d. VII 649 + 650. proc. of Cons. de la. 1720 Jan. 10
- +225 211e. VII 651 first 10 lines, + last 5 lines of 652.
Excerpt from proc. of Cons. de la.
1720 Feb. 27.
- +226 211f. VII 653 from top + to end of 19th line of 655.
Proc. of Cons. de la. 1720 Feb. 27.
- +227 ~~215a.~~ VII 709 last 9 lines (both Columns) + to bottom of 714.
copy from beginning. Excerpt of desp. V. 1713. 1720 Oct. 10.
- +228 215b. VII 710 from beginning of 8th line to end of 14th.
- +229 215b¹ 720 last 5 lines + to end of 6th from bottom of 721.
- +230 215b² 722 from beginning of 4th line + to end of 4th line of 723.
- +231 215b³ 727, last line + first 9 lines of 728.
- +232 215b⁴ 737 from beginning of 9th line, + first 8 lines of 738.
- +233 215b⁵ 739 from beginning of 10th line, + to end of 15th line of 740.
Ex. from desp. V. 1713. 1720 Oct. 26.
- +234 222a VII 770. last 8 lines + first 13 of 771.
Proc. of Cons. de la. 1721 Mar. 18.
- +235 222b. VII 770 last 12 lines + to bottom of 778.
D^e 1721 Mar. 24
- +236 222c VII 824 from beginning of 10th line + to end of 1st of 825.
- +237 222c 835 from beginning of 5th line to ^{signature in} end of 5th from bottom.
Ex. from desp. V 1713. 1721. Oct. 8.
- +238 222d VII 847 from beginning of 9th line to end of 12th.
D^e 1721 Nov. 4.
- +239 222e VII 859 from beginning of 3rd line to end of document 16 lines of 860.
D^e 1721. Nov. 4
- + these had 222f VII 860 rest of paper to end of last line but one of 866.
better perhaps
240
241
242
243
244
foolscap. } 222f 868 last 5 lines + continue to end of 6th line of 867.

- *242. ✓ 232a VIII. 946 from beginning of 5th line to end of 4th
Eph. from desp. of V. 1722 Sep. 6.
from bottom.
- *243 ✓ 234a VIII 957 from beginning of 6th line, & first 3 of 958
- *244 ✓ 234a 961 last line & first 7 of 962.
Eph. from desp. of V. 1722 Oct. 17.
- *245 ✓ ~~234a~~ 235a VIII 987 last 11 lines & first 9 of 988.
Eph. from V. to DeRamezay 1722 Dec. 27.
- *246 ✓ Ed. 244a VIII 1014 from middle & to end of 7th line of 1016.
Eph. desp. of V. 1723 Sep. 29.
- *247 ✓ Ed. 244b VIII 1095 last 8 lines & first 14 of 1096.
- *248 ✓ Ed. 244b. 1102 from beginning of 2d line & first 8 lines of 1103.
Eph. desp. V. & B. 1723 Oct. 14.
- *249 ✓ 244c VIII. 1116 last 8 lines & first 10 of 1117.
D₂ 1723 Oct. 14.
- *250 ✓ 244d VIII 1130 from middle & to end of 4th line of 1131.
- *251 ✓ 244d' 1136 from beginning of 11th line to end of 10th.
Eph. desp. DeRamezay.
1723. Oct. 15
- *252 ✓ 244d". 1138 last 6 lines & first 11 of 1139.
D₂ same desp.
- *253 ✓ 244e. VIII 1146 from middle to end of document on 1148.
Letter of Despre. 1723 Nov. 1.
- *254 ✓ 249a VIII 1180 from beginning of 2d line to end of 10th.
- *255 ✓ 249a. 1184 from beginning of 6th line to end of 10th.
Eph. Desp. V. 1724. Oct. 25.
- *256 ✓ 250a VIII. 1193 last 11 lines.
Eph. V & B. 1724 Nov. 2.
- *257 ✓ 250b. VIII 1203 from beginning of 5th to end of 12th line
Desp. B. 1724 Nov. 2.
- *258 ✓ 250c VIII 1226 from beginning of 2d to end of 7th line.
- *259 ✓ 250c' 1228 from beginning of 10th to end of 19th line
Eph. Desp V. & B. 1724 Nov. 2.
- *260. ✓ 250d. VIII 1230 last 6 lines & to end of 4th line of 1238.
Despt of Begon - 1724. Nov. 2.

~~On a fait un inventaire de toutes les lettres pour cette
année, on en a fait un livre et l'on a vu que les lettres
étaient en grand nombre et qu'il y avait beaucoup de lettres
qui n'avaient pas été envoyées par la poste, quelques-unes
de ces lettres ont été envoyées par la poste.~~

On these points shall have to speak: -
But first must emphatically state -
Denial of 1st above proposition; utter & unqualified,
Affirming my own, viz: -

That Seigniors ever were, & are, proprietors:
{not at all Trustees or Agents.
{such notion not one of old, but of new, time.
Interference with them, of old gov^t
arbitrary {inconsistent with every sound principle
variable &
comparatively slight.
{i.e. its interferences with Censitaires incomparably greater.
Low maximum rate, in especial, never law. {not yet prohibition
Conceptions as made, licit: - {of charges &
{Exceptional cases (which for Tribunals) excepted. {revenues.
Courts alone safe judges as to such,
as indeed, of precise measure of all asserted rights.

Aware of seeming boldness of such aversment: -
as running counter to Tradition, now of respectable age,
Opinions of most respectable &
respected men, & to
Common opinion of great public.

Might shrink from it:
but that have with me all^(?) that Courts of law have given of Jurisprudence,
all that Government (in past times)
& Legislatures, have given,
communally &
omnisciently -
& that I feel very sure -
relying on mere superiority of research
& information.

Appeal, thus, from tradition & opinion {most easily accounted for
variant, too, from Jurisprudence &c.
to the very past itself
its title deeds,
arrêt,
despatches.
{quoad all of which, never self hoped the 1/2 of real result.

Repeat, the tradition & opinion easy to account for: -
No doubt, Seigniors of old somewhat interfered with
{interference out of day:
but they really rather exempt, than subject.
rates low: {all prices low.
{but at same time ^{land especially a drug,} ^{immigrant always,}
after ception, policy of interference ceased.
unavoidably
all feeling relief: Censitaires especially.
rates have risen: & that, varying.
Controversy early raised as to Tenures,
& laws & usages generally
Distrust in beam of seigniorial system: inter alia.
Lower statements to, & by, uninformed Officials.
Tenure & Tenures Acts:
Increased political importance of Tenure question
Recitals of fraud arrêts or, facile of quotation: {of mis-conception.
{richness, detail of ranks & minor arrêt inaccessible.
Natural readiness of Censitaires to believe to own interest
Preponderance numerically & Archives de la Ville de Montréal
Liberel of Seigniors, reliant on law & Courts.
lastly, perhaps, distrustful & alarmed.
Again, patients, judicial hearing, for facts decisive (submit) & question.

10
SOCIÉTÉ HISTORIQUE
DE MONTREAL

SOCIÉTÉ HISTORIQUE
DE MONTREAL

Justice capacity of Sighnors, if fact, must result -
either, 1. - From state of prior law, explanatory of frank,
or 2. - From express terms of frank, or
3. - From legislation, or
quasi-legislation, since,
i.e. before, since, ~~Cepion~~.

My proposition unequivocal: Negative to all.

1. - No result from state of prior law, explanatory of frank.
Change if it were!

Change still, considering position of roturier class.

Clearer public trusts, then venal: i.e. property.
{ Office, almost without exception, property.
Leignem Judicien.
His Functionaries - even judicial.
Royal Functionaries,
Fisc:
Administration generally
State!
Judicial; of all but every grade.
& Leignem Feodal, the Exception!

Very word "Leignem" equivalent to "Proprietaire".

True: different degrees or kinds of property; & proprietor.
{ Tenures - modes of holding.

Hervé, I. p. 372.

Franc Aven Noble. - { Franc-Almoigae.

Hervé V. p. 152.

Fief.
Roture.

And of these, 1st only, absolute free.
2nd incapable of prerogatives of Noblesse.
3rd. lié to Superior
liable (if) to inferiors: noble or roturier.
4th. lié to superior.
non-liable to inferior.

True, too: that through long period (of dim antiquity)
neither 3rd nor 4th were truly property
i.e. were truly held of a superior
who true proprietor;
neither donable,
testable,
heritable, nor
vendible, in holder's hands.

But ages before settlement of Canada, that state papers.

First & most decidedly, quoad Fiefs -
Later, more hesitatingly, quoad Censives.

(Within variant limits set by laws of Succession &c.)

Leignem de Fief courts, unquestionably, not only give,
will or leave by intestacy, his Fief - whole or part;
but also sell, or otherwise alienate it - whole or part:

Hervé de Pansey, du Démonstr. p. 473-475, in notis.

His Lord, only, having right to come in for variant dues &c.
as in any of such cases accuring.

may more -

Though primarily (comme de raison)
not free to sub-infeud
or anyhow part out of lord's immediate mouvance
{ to lord's prejudice -
unless with lord's consent;
nor yet at all to alienate -
unless at cost of accruing dues to lord, &c.

Even this gradually & variantly relaxed.

First: For great fiefs only of frowa only.

Then: For other ^{liber hereditarium} within variant limitations.
as for instance -

Norman England - Magna Charta { early 13th cent.
"Nullus liber homo det de cetero
"amplius alicui, quam ad residuum
"tenae possit sufficienter fieri Do-
"minus feudi, servitium ei debitum"
{ further relaxed that. Quia emptores { end 13th cent.

Custom of Normandy -
much as Magna Charta.

Do. of Beauvoisis { late 13th century.
requiring reservation of $\frac{2}{3}$

Do. (old) of Paris. Art. 41.
allowing without limit
"judges à la demission de foy"
{ Dumoulin's critique of
Amendment in new custom. Art. 51 ^{in fine}
limiting to $\frac{2}{3}$;
requiring retention of foy,
& also of some droit:

"pouvoir que l'alienation ne s'cede
"les deux tiers,
" & qu'il en retienne la foi entiere,
" & quelque droit seigneurial & doma-
"nial sur ce qu'il aliene.

Custom of Orleans, Peronne
following old Paris:
only not altogether allowing sale
i.e. not after 1775!

{ Peronne, Montdidier. Do. Do.

Custom of Bretagne:
limiting deniers d'entree, &
restraining rentes adversely to inferior.

Note, everywhere, where sale not allowed, or price limited -
Such non-allowance or limitation
purely in lord's interest.

In fact, every limitation in lord's interest.
Inferior never cared for. { least of all, where Roturier.
no actions adverse to latifundia.

Fiefs of all sizes & kinds.

Houses: small estates.

Even Offices: rentes &c. &c.

Could never have been notion that
Seignior bound to alienate -
or to alienate on easy terms -

An Coustume, was always ^{not by certain} known
that bound, more or less to keep, or seem to keep.

H. de P. p. 572

Poullain du Parc, II, 81-83.
Pothier, XI, 432-441 &c.
Henriou de Pansey, sur Dumoulin, 476-518.
Herve, III, 361-383. Fief

in which case, however, even,
Lord's mouvance still
not affected, unless by
own consent. Art. 52.

Herve, III, p. 375, 6, 7.

Poullain du Parc, II, 81-83.

3 others are expressly "en franc alleu."

B. 557:3 - 1657, Jan. 13. Liller to Indians
- 74. 1652, Jan. 17. R.D. Desloges & coll.
459:50. 1658, July 1. Tadoussac.

Several others are "en franc almoigne."

Several others have "Saint" or "Relief" or "Jeu de Dieu."

Most are "en toute propriété, justice & seigneurie"

Hardly any omit "en toute propriété" & none so as to leave some doubt.
{In fact, all sorts of words to imply full property.

Most, in words or by express intendment, include Rivers, woods, &c. &c.

9 even contain clause (variant) to save navigation of Lawrence R.

B. 415:375 - 1640, Dec. 4. Deschambault
404:365 " " } Montreal St. & St. Sulpice.
409:370 1646, May 5. Riv. du Sud.
396:358 1647, Apr. 6. D'Aubé: Aug.
364:104 " " 16. Portneuf.
391:353. " " } Repentigny, L'Assomption
400:361 " " } Beaucom, pp. 11.
417:377 " " } Deschambault, Aug.
408:369 1648, Apr. 21. Montreal, rem.

(4.)

(1.) - Montreal R. p. 367

(3.) p. 376

(7.) p. 368

Several of these & some others, prohibit erection of Forts &c.
Several imply intention of grant of future title of Seigneur.
A few require special amount of service toward settlers.

B. 415:375 1640, Dec. 4. Deschambault.
404:365 " " } Montreal R.

But none imply any obligation as to terms to be made with them.

None hint at obligation to concede.

Though some imply full right to do so.

Alleu & Almoigne.

"Tout ainsy" clause - &c.

"revenu d'une année, & de ce que se sera réservé après avoir donné en f. ou à c. &c. tout ou partie."

a right which some rather whimsically limit.

B. 428:386. 1634, Jan. 6. Beauport. } not within 10 years, unless by leave of Co.
395:356. 1647, Dec. 6. D'Aubé } only to French in R.D., or to be bound to go there.
404:365. 1640, Dec. 7. Montreal R. } not to French in R.D. but only to French immigrating.

(2)
(8)
(7)

And some too small for Concession to have been thought of.

B. 338:46. 1638, Jan. 20. Isle des Rues. } For pasturage of Cattle.
457:88. 1638, May 5. Beaucom } 2000 Cattle
455:45. 1638, Feb. 16. Beaucom } on Cap Rouge Road / Olap. x1.
429:352. 1661, Mar. 19. House, St. Jean & Sulp.

Indeed, impossible obligation to grant &c. can have been intended.

There being no resident population to speak of
grantees of Seigns having to import settlers,
in order to get them.

Bargains with them must have been free.

Endowment of Religious Bodies,
indeed, not that of several.

b. - Loi 1674, when Co. S. O. dissolved.
+ 1712, when Arrêt of Parly registered.

Terms of Arrêt & Declaration, 1663, March 21.

(9.) C. 160:135
I. 24 Complaint, merely of non-settlement
{ caused by too large grants
Remedy, revocation of grants "non depiçhées."

(10.) I. 26, 27. This Commminatoire: { As much else after!
Instructions to faudais, at Cont^e of Aug^e
1663, May 7.

(11.) C. 168:143.
II. xxiii.
II. 125. Arrêt, merely ordering Communication,
"avant faire droit"
1664, Aug. 6.
After which, nothing!!

(12a) Terms of Etablissement de la Co. S. O.: 1664, May.

(12b) p. 12. A. 13. Preamble.
p. 16. Art. 19, 20
p. 17. - 22, 23, 24.
- 40 "changed!!"

(pamphl.) Extrait, projet de Reglement, Tracy & Talon: 1667, Jan. 24.

*1. Note: a mere projet.
Papier Terrier on hand.
Terms of Co. S. O. grants in question
{ But none revoked! i.e. of those
above cited.
*2. Proposed stay of grants, even by Seigniors.

(13) Arrêt C. d'É. "pour retrancher la moitié des Concessions"?

I. 20 (only) 1672, June 4: ref. 1672 Sep. 18.
Note: just after Cont^e of Frontenac as for
really order to Talon to make Papier Terrier
with Authority to revoke
& re-grant

Again, Commminatory!
No trace found of a $\frac{1}{2}$ retranchement.
grants not made after declaration drawn.
but instante:
and not made on condⁿ of clearance in 1 year

Note: further: -
Complaint, still merely of
Extent of old grants!
showing not revoked
& no idea of obligation to
on grantees to sub-grant.

{ Terms of grants by
Talon
Frontenac &
Co. S. O.
hereafter.

(14.)

Second arrêt "pour rachat" $\frac{1}{2}$ des Concessions!

C. 161: 136 } --- 1674, June 4: reg^d 1675, Oct. 21.
I. 713

Arros new int: Duchesneau.
All but copy of former.

Proof, former lay dormant
{ "Comminatoire."

Complaint &
Proposed remedy still same.

Still, no trace of notion
of trust to concede.

(15.)

"Pouvoir" to gov: & int: to grant Concessions jointly.

A. 242 } --- 1676, May 20: reg^d 1676, Oct. 19.
I. 745

Same remark -

{ Still "Comminatoire."

(16.)

This Arrêt, in re "Rachatement des Concessions."

I. 247. --- 1679, May 9: reg^d 1679, Oct. 31.

Duchesneau's Declaration
& Papier Terrier now made.

Exception size of grants ascertained.

Order:-

{ quasi enforcement of 2^d Arrêt!!

really $\frac{1}{4}$ only

+ $\frac{1}{20}$ yearly thereafter.

Comminatory again!

{ no trace remaining, of its execution.

Note: in all -

no hint at violation of trust as to concessions
au contraire,

grants ante 1665 expressly called "Propriétaires"

Note: too -

Though terms of grants
must have been constated,

{ vid. projet 1667, Jan. 4: supra.

No exception taken to them.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Terms, then of grants made by Co. S. O.
+ thereafter to Arrêts of Parly.
1664 to 1712.

259 Total Number as ascertained.
88 Off, for all causes.
176; of which 164 printed
2 more got by me
166 Terms known.

Over $\frac{4}{7}$ of total $\frac{1}{2}$ Ascertained.
Extent about \$200,000 Arpents.
considerably over $\frac{2}{3}$ of total.
{ average of each lot.

Of these, a few (B?) granted by Co. S. O.

B. 457: 39 1573, Dec. 23 Riv. du Loup: to Aubert de Chesnoye.
1573, Dec. 23. Leneboyne: to Daulien Deslandes
1574, Jan. 28. Petite Nation: to Monseigneur deaval.

Note: -
Large Terms -
Confirmed by { with "reukes" even
1674, Dec. Edit, revoking Co. S. O.

Rest, granted in King's name: -

1. Many by Talon, Int. { Carignan etc.
Others.
Justice or.
2. Some by Frontenac.
3. Some by Frontenac + Duchesneau { Separate Ints.
4. Many by Gov. + Int. { Joint Ints.

Note: after 1st above batch -
great variances in terms: - { Justice, etc.
Some refer back to Co. S. O. grants -
not varying at all,
or so little as not to matter.

Some, equally wanting of reserve clauses.

Many, specially mentioning river etc.
{ none excluding idea of small shares
R.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Many, in reciprocal special, making grant
an endowment, { Private.
or Rewards: or connected with Decree!
(Form?) (Three?) Two, absolutely connected with Decree!

Some, granted expressly for establishment of Fisheries -
{with no word implying more than Fishery Establishment.

- (21.) e.g. B. 107: 333. 1689, Jan. Rivière de la Madeleine, etc. etc. etc.
- (22.) One, at least, for mere State Quarry "sans clauses." -
B. 171: 442 - 1697, Sept. 20. Arce de l'Orang. } Say + Homage were not stated
- (23.)? One, at least, unintelligible combination of Cens & Fief grant.
B. 112: 393 - 1687, Aug. In Acadie: to de Prez.

Some (not above counted) } 6 printed
of Patent of Letters Signatories
à Cens.

∴ Incapable of Conception à Cens.

- e.g. 121: 401 - 1691, July 16. ^{Acadie} 2 x 2 lea. 8 arp.
- B. 132: 407 - 1693, March 17. ^{à Capay (ou Riv. du Sud)} 1 x 2 lea. 5 de 2: 6 de 0.
- 184: 444 - 1698, June 30. ^{de Saint} ? 1 x 2 lea.
- 196: 457 - 1702, June 14. ^{Marinière (near Bic)} 1 x 2 lea.

May, case not even wanting, of
Express grant en fief
!!! Prohibitory of Conception to others.

B. 91: 322. 1687, Oct. 29. See any Codes.

Only kind of reference to conceptions by Signiors,
such as contained in Clauses presently
to be remarked on: -

which (in all their forms) really
restrictive quoad such Conceptions -
Instead of imperative of them.

First Form:

e.g. 1672, Oct. 29. Se. Anne La Perade.

"à la charge qu'ils continueront de tenir
ou faire tenir [teniront ou feront tenir de.]
feu & lieu sur x x & qu'ils stipuleront dans
les contrats qu'ils feront à leurs tenanciers
qu'ils seront tenus de résider dans l'ann.
et tenir feu & lieu sur les conceptions qu'ils
leur ont accordées ou leur auront accordées,
et qu'à faute de ce faire ils rentreront
de plein droit en possession des dites
tenes, -

"que x conserveront les bois de chesne
qui se trouveront sur la terre qu'ils se
seront réservée pour faire leur principal
manoir, même Archives de la Ville de Montréal
des dits chesnes dans l'étendue des conc.
particulières faites à leurs tenanciers, qui
seront propres pour de."

Ferrière: Dic. de Droit
V. Tenanciers.

March 10 2024

Write early; as soon (in fact) as

B. 455: 101. - 1676, July 10. Longueuil (Aug²?)

These clauses cut down into

"qu'il continuera de tenir & faire
"tenir par ses tenanciers feu & lieu
"sur la dite Seigneurie,

"qu'il conservera & fera conserver
"les bois de chesnes qui se trouveront
"sur la dite Seigneurie propres &c.

About as soon, even further shortened at times.

e.g.

B. 390: 155 - 1676, Aug. 4. St. Maurice.

320: 13 - " " 14. Jembilly.

"Continuera de tenir & faire tenir
"feu & lieu sur la dite Seigneurie,

"conservera & fera conserver les
"bois de chesnes qui &c.

[not mentioning Tenanciers]

Between these extremes, all sorts of variances

Sometimes (not comparatively often)

e.g.

B. 320: 130 - 1687, Apr. 10. Bonsecours.

This takes the latter form sanctioned by Rat^{ns} of Laflèche.

penalty of reunion in favor of S. M.

"à faute de ce faire S. M. rentera &c.

May: as if to make misinterpretation impossible
Many, again, in different forms, clearly
speak of grants by Seigniors as
Potential: not imperative.

e.g.

B. 101: 329 - 1688, Nov. 26. Le. Anne des Monts.

"de faire insérer pareille condition dans
"les conc. qu'il lui sera permis d'accorder
"sur la dite terre"

{In fact, this tourne for several
years common}

B. 130: 150 - 1693, Feb. 15. D'Autheil.

Same only "pareilles conditions"

B. 130: 407. - 1693, Feb. 20. Lopsambault:

other phrase, but with adjuncts,
showing how entirely object
was to secure binding of tenanciers.

B. 134: 409. - 1693, Mar. 25. Lotbinière: Aug²

return to former sense in other words.
"aux habitans qu'ils y pourront
"placer à titre de cens & rebus."

Form finally settled into, some years before 1712

B. 367: 107 - 1708, Aug. 11. Bourg Marie &c.

"de conserver & faire conserver les
"bois de chesnes propres &c. x
"de tenir & faire tenir par ses tenanciers
"le feu & lieu sur la dite Seigneurie"

"Jura & Fief"

Now, this loosening of form any unauthorized derogation from Royal Pleasure or Order -

(32.)

Witness
Confirmation of a number of grants: on terms of originals; but adding 6 years' clearance clause & no other!

(33.)

Second, to like effect
Third: reciting these clauses as last stated: {in all grants of various dates} modifying grants in some other respects: but not hinting at obligation to concede. {And this last: on very day of signing Arrêts of Parly.

(34.)

Question recurs, (of this grand question) as to

Arrêts of Parly
17th, July 6: rep- 17th, Dec- 5.

Anti-seigniorial reading of these Parly {omitting latter} {indeed reading former wrong} {& quite without historical context.

This Historical Context now partly supplied. {So far as previous grants go, partly read.} Let us read rest: Correspondence leading to & explaining them.

That done, let us glance at After Arrêts t.c. t.c. as decisive one way or other.

Correspondence leading to them.

(pamphl.)

Letter of Kaudot, Père.

*6-9.

1707, Nov. 10.

Laziness of its complaints. {Absurdity} {too, in part.} Do. of its proposed remedies. A new prescription for real estate. An entire setting aside (inter multa alia) of Seigniorial Contracts - {Nota. - Plan contemplated raising & lowering t.c. t.c.} * Obvious errors of law t.c. t.c. {retrait cohérent.} {Banalité Arrêt 1680.} * Hostility to Seigniors.

(Samphl.)

Answer of M^{onsieur}. de Pontchartrain.

*9, 10. — 1708, June 13.

An obvious put-off.
Equally obvious misunderstanding
as to part.

(Samphl.)

! Letters by M^{onsieur}. to Deshaquais & Daguepeau !

*10, 11. 1708, July 10.

How little proved!
{ Except anxiety to make a Case.

(Samphl.)

Reply of Raudot to M^{onsieur}.

*11, 12. 1708, Oct. 18.

Again the Prescription
{ which certainly never acted on.
Then, the Seigniors Again
Nota: Top of Memoire!
But, fact of variance caus fin
affirmed & re-affirmed.
And, fact of exactions too!
{ Interesting ante-dating!
Further nonsense as to
Retrait Roturier.

! And here, we stop!!!
M^{onsieur}'s Answer not given —
any more than Raudot's Memoire!

But no; in effect it is given —
The Arrets of M^{onsieur} are the Answer.
And what say they?

Imprimis, they were registered under a
new Act: Begon:
Com^{te} dated 1710, Mar. 31;
reg^d 1712 Oct. 14.

None of Raudot's plans acted on.
But instead, the provisions of these 2 Arrets.
Comment on them

{ esp^l on clause as to
"Titres de Conception"
{ double meaning: { false recital?
How far Commutatory!
repetition of old story
as aft. Censitaires
mere enactment of what
Int. had already done
{ save only as to form.

How infinitely more stringent
against Censitaires
than against Seignior!
Archives de la Ville de Montréal

(35) II. 248: — 1706, May 15 }
(36) A. 37: — 1708, Oct. 31 }
(37) also references in Anst. C. d. E. 1716, May 5 }
C. 162: 137 }
I. 239 }

Next two Exacts: nothing to point.

*13. — 1711. Nov. 4.7. Droits Honorifics.

*13,14. — 1716. Mar. 1. Domaine de.

"Mémoire du Roi à M. de Vandreville & Bégon"!

*14. — 1716, June 15.

Exact!

per se unintelligible
{ interesting, only, as such
+ as suggestive quoad
non appearance of interesting
Despatch of same date
*18 in fin! ordering stay of grants of
Leignories

"Extrait de la Lettre du Ministre (?) à M. Bégon."

*14. — 1716, June 10.

{ Curious, name omitted - while
note of 1708 to D'Aguesseau kept.

Unintelligible, save by ref. to next
document.

*15 in fin.

~~X~~

Important Minute of Conseil de la Marine
not sous. d'Etat.

*15, 16.) 1717, May 9.

Note:

Bégon's Letter of last year not given!
Terms as recited.

Abundities of entire Minute!

Worthy of an Admiral & Marshal!

Projet of Arrêt, following.

*16-18. — 1717, May.

Note - passim. { Could it have paper?
Uncertified State!

~~X~~

But Certified never passed - by

Next Exact: "Extrait" encore!

*18. — 1717, June 20.

Reference to Arrêts of Marly
and paraphrase of them

"empêcher que x recoivent de Cargent
pour x en bois de bout x x
donné que pour faire habiter."

Last Exact of Period!

*18. — 1719, May 23.

Showing Order to cease
grants Archives de la Ville de Montréal
of 1716, June 15!

*14!

Confirmatory evidence
from
part of Louisiana
to Co. d'Or: Art. VIII & X
(38)
II. 360 } 1717 Sep. 6
A. 27 } 1719 Oct. 2

Return to grants:

C. - Terms of Grants for Third Period.
Limits of nearly to (period: 1713) to 1760.

C. D. F. over 4 over 6
C. S. O. over 7
all about 10
leaving about 10

190 Total L^s as far as ascertained
35 Off. for all causes.
55: of which 5 printed -

3 Copies procured
54 Terms known.

About 1/5 in number, of all.
Extent, about 3,000,000 Arpents: 3/10 of All.

Items: Order to cease granting in 1716 { Above noted.
{ grants had slackened before 1712.

From 1713 to 1717 only 5: of which 1 Caduc.
" 1717 to near 1730 (1727?) none.

The 5 from 1713 to 1717 are -

B. 205: 454 - 1713, Mar. 24 Caduc - Is de Ramesas.
{ Jumble of Fief & Feud.

B. 205: 455 - " - Belaisil, Aug² to de pour jouir.
{ printed as though in terms of forepoin.

B. 207: 64 - 1713, Apr. 10. Beaumont, Aug²
New Clause: -

"de Concéder x à simple titre de redevances
"de 20 s. & 1 chapon pour chacun arp. de
"front sur 40 de prof. & 6 d. de C₁
"sans qu'il puisse être inséré dans
"les d. Conc. ny sommes d'argent
"ny aucune autre charge que celle
"de simple titre de redevances &
"Cens ci-dessus, suivant les intentions
"de S. M."

B. 208: 59 - 1714, Jan. 5. Mille Isles.

New Clause again!
{ but "30 arp. de prof. v. "40"!!

In contradiction whereof
read -

M.S. { 1716, May 5. Ratification by King: omitting.
" 1716, Nov. 23
In which it is omitted.

B. 210: 337 } 1717, Oct. 17. Lac des Deux Montagnes.
C. 96: 75 } New Clause again { but 40 arp.!! not 30!
In derogation whereof
Archives de la Ville de Montréal

C. 96: 75 } 1718, Apr. 27. Ratification by King: altering.
M.S. }

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

(39)

(40)

(41)

(42)

(43)

Note, further, in same connexion

Ratifications of

(45)
(46)

A. 240: 1716, May 5 Louanges & Audreuil:
M.S. " " "

(47a)
(47b)

B. 197: 334.
199: 335.

Wherein terms of original grants of 1702 altered; but no clause as to conception put in.

Looking, then to 1727; Comment on

(sample)

* 19 — 1727, Oct. 20 Letter of M. Dupuy, Int:
in re Leul-Right.

not quite entirely irrelevant.

(48a)

1727, Dec. 10 Grant of Aug² of St. Jean[?] to Ursuline, etc.

(48b)

Ratified by King, 1733 —

(49)

A. 260 { 1729, Apr. 10 } Grant (1st caduc) Beauharnois
— { — Sep. 9 } By King to for^r & Brother —

(50)

A. 155: 140 — 1730, July 22 Grant (?) Beauharnois & Hocquet to LePage.
Permit rather to lumber on Terrebonne: 1st Aug² Desplaines.
read, with

(51) compare with no. 18

M.S. — 1731, Apr. 10, Grant by King { reg^d: 1758, June 26. }
note specially object of Terrebonne Perms.
C. I. O. Grant.

(sample)

* 19.20. — 1730, Apr. 25. Mémoire du Roi à Beauharnois & Hocquet
Nothing to do with matter —
Mouvoie des Cartes —
Réduction. { "qui se combaient en tout." }

(52)

A. 225 { 1730, Mar. 25 } Declaration ci-jointe.
I. 477 { — Aug. 7 } having reference to

I. 357 { 1717, July 5 } Forme on same subject
I. 385 { 1717, Oct. 11 }
I. 385 { 1718, Mar. 21 }
— { — Aug. 12 }

(Sample)

Important despatch of Beauharnois & Hocquart
* 21-23. — 1730, Oct. 10.

Leading to Arrêt of 1732.
Clearly showing —
{ understood meaning of Arrêt of Marly
{ purpose of writers vs. Censitaires.
"volenti non fit injuria".
! — Desuetude of Arrêt of Marly vs. Censitaires

(Sample)

Answer of "Trinité" — who?
* 23 — — 1731, Apr. 24

{ Fortnight after grant to Lepape.
Put off again —
"ambusing misconceptions!"
"Papier Terrier!"

(Sample)

Reply, by Beauharnois & Hocquart.
* 24, 25 — — 1731, Oct. 3

Excuse as to Papier Terrier.
Origin of Arrêt 1732.
Evidence Arrêt 1711 not Comminatoires
vs Censitaires.

Arrêt of 1732: Very Important

(53)

A. 228 } — { 1732, Mar 15.
C. 163, C. 138 } — { ref.
I. 146 } — { Sep. 4

Real tenor:
Complete proof of meaning
of Arrêt of Marly
1st & only nullity.
Equally striking all!!
Is it law? [not to dwell
here on this question]

Meantime, however, return to grants.

(54)

Inst. — 1732, May 6. — Letter, France as in re
grant of Argenteuil.
{ Note: how light-granted

(55)

B. 41, 2: 372 — — 1680, 2 promises by Duchesneau &
Frontenac.
not suffered to be settled

Inst. — 1725, Mar. 7. Foi & Hommage before
Dispute with Seminary { before & after.

1732, May 6. Settled: ut supra
Inferences from terms of Despatch
"établi" &c.

(50.)

But, from 1731, Oct. 15, to 1760:-

B. 21: 150

In most grants, by Gov. & Nat.

New Clause:

"de faire insérer pareilles conditions
 "dans les conc. qu'il fera avec
 "tenanciers aux cens & rentes & redem-
 "ances accoutumées par aprent
 "de terre de front sur 40 arpents
 "de profondeur."

{Nota: this a Caduc grant:

Clause, however, (à peu près)
was put into

45 grants within 2 1/2
3 issued omitting it; by Gov. & Nat.

1 Do by King -

49 Total since 1731.

3 originally omitting, being

B. 179: 219 — 1750, Oct. 18 Haute Rivière

294: 222 — " " 20 Rivière Quelle, Aug. 2^e

295: 224 — 1757, Jan. 11 Rimouski, Aug. 2^e

1 by King, being

Ms. { 1750, Jan. 14 } Beauharvais.
 { 1757, Mar. 22 }

In terms of former of
1729

Amended

And now, of the 45, what as to Ratification?

Imprimis: In re Augm^e Lac des Deux Montagnes
where we have some correspondence?

Dismiss Copact (officer) of

* 25 - 1734, May 6.

As of no consequence,
beyond showing
Anxiety of Minister for Evacue &
Papists Terrien
& also
existence of "grand mémoire" non-imprimé.

Letter of Minister to Beauharvais & Hocquet.

* 25, b. 1734, May 6.

Conturier's Mémoire { Where? }

Several demands made by it.

1. Bonage with Argentueil.
2. Limit as to Wood Reserve.
3. Do as to Feu & Alien clause.
4. Suppression of New Cens & Rentes Clause
which heated as answering to that
in old grant of 1717-18.
{ Not really being so.
{ See nota. Peculiarity of Interpretation
quoad a grant in the peculiar posⁿ of this
5. Suppression of Liche Clause.
6. Fortification Clause
7. Discharge Archives de la Ville de Montréal
8. Stone Forts.

(Campbell.)

(Campbell.)

Answer of Beauharnois & Hocquet

*29-33 — 1734, Oct. 6.

1. Romage - unimportant.
2. wood D₂
3. Feu & Lien Clause "Comminatoire"
4. New Clause.
Important declaration of appearance of reason why rate fixed in 1717-18.
D₂ D₂ as to meaning of New Clause.
5. Answer as to Têche
{ Only set aside by Arrêts

Reply of Minister to Beauharnois & Hocquet.

*33,34 — 1735, Apr 19.

3. Feu & Lien "Comminatoire"
4. Statement as to New Clause
Incorrect & Diplomatically
5. Special order to hold Têche open to bargain !!!

Now, in connexion with foregoing —

"Brevet de confirmation" itself

Unmistakeable meaning given by Crown to

"accoutumées" —

"dans les Seigneuries voisines"

"en égard à la qualité & situation"

"au temps des d. Couc !!!"

Note:

1718 reservation of right to grant higher or sell where not en bois de bout =

Now, even "vague clause" proposed

made vaguer

or rather clear

by reference to

then ruling price of neighbourhood & Date.

Any Contract made —
Null per se as illicit?

Archives de la Ville de Montréal

(Sample)

(Sample)

Note: error of printed Extract
(57) { Compare with First grant (38) & with grant (43) & Nat. of Del. (43) }

c. pb. 76 } Ind. }

Following words "en bois de propriété" on next p. but one of Ind. Brevet

But, may be said —

What course of foot & but in Canada?

Note: This not real question.

King: not his servant here:
Lawgiver.

foot & but not only not Lawgivers
but even, often wrong: —

Publicly

II. 67 — 1709, Jan 12: Raudot, in re Louis Hébert.

II. 105 — 1736, Sept: Hocquant, Do.

Privately

(598) — A. 195: 177 — 1740, June 20: Pinery in Lorel.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Am I asked - then -
What really Jurisprudence in Canada?

Reunion & Regrant of unsettled Seigniories
of Course: of all date. {though not as regulated
1st Arret of Marly not resp- for that.

Reunion to Seign- Domain of cõture unsettled
also of Course: { Causes of Conception deeds.
2nd Arret of Marly not resp- for that.
{ only fixing procEDURE SOMMAIRE
& Intendant's duty.

— In fact, as above shown,
Raudot had acted vs. Censitaires.

Grant (by foot & int.) to appl^{ts} in Seigniories
never could have been:
till Arret of Marly allowed it.
Forget limitation of Seignior
quoad sale,
rates or
revenues.

How far was this carried after Arrets of Marly?

(59c)?

I. xxxiii --- 1713, May 29. Large de Beauport Arret.
{ Called Arret of Conseil superieur.

(59d)

A. 68 } --- 1721, June 28. Anti-Arriet Arret.
II. 1. } { Rather Ord. of Int: Begou.

Case of evident
mal-jugé, not to say
malice vs. Deft.
Nothing really to do with Arret 1711.

"Billets de conception"
not a word of "refus"
nor of "hommes d'Argent"
& procedure not before foot & int.
? vid. also

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

A. 224 --- { 1794 (1795)
1719 (1720) } Lettre du Roy { Archives de la Ville de Montréal
} Monum a Vent.

(59e)

547
 A. 72 — 1721, Oct. 13 — Veuve Jehit vs. Hotel Dieu.
 grant by Vandrenil & Begon.
 More like Arrêt of Manly proceeding
 but not so really.
Execution of Arrêt of C. d'É. of 1720, June 2.
 Nothing to do with Arrêt of Manly
 Add: rates tr. left unregulated

A. 86 — 1723, June 21 }
 A. 120: 108 } — 1727, Nov. 16 } All cases as to
 II. 280 }
 II. lx. — 1728 Jan. 13 } Reduction du $\frac{1}{4}$
 or
Monnaie des Cartes:

(60) — A. 120: 108 } — 1727, Nov. 16, having been dwelt upon:
 II. 280 }
 I observe —
 supposed matter mere argument
 of a Seignior —
 { reported by Intendant.

(61) — A. 188: 170 } — 1738, Jan. 23. Delle Penoret Arrêt.
 II. lxxv }
 { Note: This the Case printed
last Section!
 Nothing to do with Case.
 Conceptions granted by Billet
 deal dispute as to line of range.
Seignior leaves rate to Gov.
 He decides for her as to line
 & fixes rates "ordonnez par S. M."!!
 * { when? how? where?
 * not those fixed in printed grants of C. d'É.

* 10. de c. pour ch. sup. de fr. (sur 30)
 * 10. de r. — al sup.
 1 Chap. ou 200. au choix de la d. Delle
 pour ch. sup. de front.
 or.
 * 10. de c. pour ch. sup. de fr. (sur 40)
 200 de r. pour ch. 20 sup. en sup.
 & en outre $\frac{1}{2}$ quint de ble fleurant
 pour les d. d'arp. de front.

(62) — A. 202 } — 1748, Feb. 23 Berthier Fabrique Arrêt.
 II. lxxxv }
 Again: a Billet case.
 Seignior not suffered to insert
 clauses not contemplated
 when billet granted.
 Rate to be that common in Sept
 { not identical with that in above case.

In a word, no evidence of this part of Arrêt of Manly
 having ever been acted on!

But in

* 22 — — — 1730 Clean from Beauharnois & Hocquart
 that it was en deuce vide.
 1732: Other machinery to bully all parties started
 "nullité des Contrats de Vente"
 Archives de la Ville de Montréal
 which, however, seems never
 never to have been acted on.

Tables of S. T. C. Rept. prove it.

47 grants in 18 Lignivories,
given of dates before 1760.

Nearly all variant
{ Over 40 variances, at least
In one by 6 or 7 variances given.
- another 5
- several others 2, 3 or 4.

Bethune's commenced search in Prothonotariat at Paris
proves it!

Taking Adhemar, 1st Notary on list -
at hap hazard striking off 1674
as a "temps innocent"

(63 cl.)

Ans.

finds 4 courses. deeds following -

1674, Sep. 5: Patiscan.

40 x 40 arp. #30 L.
10 Chapous
10 d. cens.

{ 1600 arp. @ say $\frac{4}{5}$ sols
586. Chap. value?
1 ?
817 sols about

Chap. par arp.

Ans.

1674, Sep. 12: Patiscan.

4 x ? 10 L. par arp.
1 Chap. per 20 arp.
4 d. cens.

1.8 per arp.

Ans.

1674, Sep. 13: Patiscan or Cap de la Pigeo.

3 x 40: $\frac{1}{2}$ boisseau de bled
2 Chap.

2 d. cens, pour le tout
per. arp.

Ans.

1674 Sep. 13: Patiscan.

60 feet sq: #3 L.
1 d. cens.

over 1 s. per foot x 60 feet.

Remark on Clauses.

But cui Bonus heap proof.

Despatches printed

*7/12

Randot, 1707

15

Regou 1710

31.

Beauchetocq. 1734

all more than prove it all.

However this - Reverse Picture!
Censitaire how controlled!!

Obligation on Lignior
to make him settle ^{what meant} by that.
resew Oak de. de.

Reunions before Arrêts of Parly

Do afterwards
{ Common thing
{ Lignior blamed for
not being zealous to make it
Commoner!

Whole style of Arrêts:-

(64) A. 35 }
II. xxxviii } — 1700, July 2: Bois resew: Snowheat: Randot!

(65) A. 36 }
I. xl. 5 } — 1700, Mar. 10 Pêche (Chape de.) Penal:
Beaupié: Same
+ papim
(non obstante despatch
Beaup. t. Hocq. 173 supra)

(66) II. lxxxix. — 1750, Feb. 18 Pêche: Lovel:

(67) Corvées: papim
(non-obstante
{ A. 57 }
{ II. xlv. } — — — — — to Arrêt 1716, Jan. 22, printed last page

(68) A. 85 — — — — — 1723, Apr. 24: Loupmeil, Exparte

Banalité, papim -

(69) II. xli. — — 1709, June 13. Randot in re Horses &c.
"defense aux h. des Côtes de Mtl."
"d'avoir plus de 2 chevaux ou cavales
" + 1 poulain, parceque cela les empêche
" d'élever des bêtes à Corne & à laine
" + produirait le manques des
" autres bestiaux."

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

(70a)

I. 157 — { 1745, Apr. 28 } "Ordonnance du Roi: " même.
 ref.
 { 1746, July 18 } Prohibiting (under heavy penalties)
 building on left bank
 1/2 arp x 30 or 40.

And this, not for an hour
 Comminatoire.

Inter multa alia: -

(70b)

A. 257 — ~~Ordonn.~~
 Ordon. d'Int: 1756, Aug. 7.

(71)

II. lxxxviii — 1749, Apr. 12: Ordon. d'Int.
 " qui, afin d'augmenter la culture
 " des terres, defents aux h. qui ont
 " des terres en campagne, de venir
 " s'établir en ville sans permis-
 " sion de l'Intendant par écrit,
 " et ordonne à tous les parti-
 " culiers de la ville qui loueront
 " des maisons ou chambres à
 " des personnes qu'ils soupçon-
 " neront être h. de campagne
 " de le déclarer au Lt. Jeu.
 " de la Police."

Ordon.

Whips: Scorpions

God forbid retrogression towards
 a state of things like this!

SOCIÉTÉ HISTORIQUE
 DE MONTRÉAL

3. - No result from Legislation or Quasi-Legislation - since Cession
Tout au contraire.

This clear enough -

But, first perhaps, great question
How far statements etc. of this period may or not go to prove antecedent state of things.

greatly relied on anti-seigniorially:
In fact, tradition combated rest on them.
rule of Best Evidence

Note them, -

Departure, at Cession, of Higher Officials,
& of large proportion of men of Rank

Advent of New Rulers: having new notions: -

as well quoad personal as quoad real rights.
Perogative
Style of Legislation
Communitative

{ Note, especially,
(as variant from Canadian state of things)
English habit of mind in re
Manors & Copyholds.

Contrast
England { unwritten Customs.
France { written Customs, etc.
Canada { Do & written Contracts

{ Note, too -

Tendencies to see
& act, for Censitaires
American War Ind.

Now, all this -

with nothing printed of Old Laws & Arrêts.
{ save always French Law Books of time
These not the present beautiful heath
& open only to English Lawyers.

Archives, imperfect,
in bad order
foreign tongue & cramped Character,
sans interpretes gardiens. ?

New Courts: At first Military!!
{ English Lawyers had enough hands?
Dispensing moreover

Unknown Law: { English ?
French ?
Composite?

Under such Circs.

(72)

D. last p. - 1762. Apr 20. Arrest of Mil^l Council of Mt.
Thos Jase, Gov^r -
Col. Waldimand,
Baron Munster, (?)
Prevost
Wharton, Capt.

Unquestionably wrong & absurd!
Notion all English;
{ glance, only, for present at rate of...

Per Coutra, Note - Note: affirmative & extensive of
Leignior's Right.
frank (same year) of
3rd Rep. Com^{rs} p. 94 1762, Apr 27. of Murray Bay &
Mount Murray.
Confirm^{ts} 1875

To return -
1st printed Resumes

- 1772. Carleton's Abstract } England.
- Mascare's Com^{rs} }
- 1775. Cyprien; here.
Imperfect.
- 1803-6. Edits & Co. Vols. 1 & 2.
Imperfect still.
- 1851, 2, 3. Further, but
Imperfect still.

Note, too - Small requirement by Leigniors of Titles.
{ Possession enough.
{ System of Authenticité.
Most Leigniors have not their Titles.
& know nothing of them.

Meantime: -
1763. Proclamation as to laws of England
1764 or after. Royal Instructions to
Concede in Free & Common Council
J. of natural tendency to print
all their laws &
same laws, esp^l, en beau.
Result - 1772: Instructions to allow grants en fief.
1774 Quebec Act

Books then: style of parlance,
1769 to 1775.

Three Années
1711
1732
1743
1745 fr.

Books: Masses, p. 21, 49. — 1769: Masses.
Abstract, p. 25, 6. 1772: Authors of Abstract.

29.
{ note omissions.

Lois de Police, p. 2 & 3: also p. 13 of Abstr. of Edicts precedents.

Lois des Vieux: p. 59-61: incl.
Loi des Vieux: p. 44, 45: — 1775: Cygné.

This as to the matters.

But, apropos of last note —

1. Cygné gives several rules:
2. franks really made la Censive (as now shown) were

1. Le Lake Erie Au Deroit du Lac Erie. —

(72b)

1 col of C. per arp. ~~8~~ 40 front.
40 cols per arp x 40
1 Chap. or 20 cols.
1/2 ^{or} minot wheat, per arp. x 40.

1734, 1736, 1747, 1750: arp. by 40.

10. c. par arp. de fr.

200. c. per 20 arp.

1/4 minot wheat per arp. de fr.

(72c)

2. Same place: —

1753: 8 arp. x 60

Same: i. e. really 1/3 less per arp.

(72d)

not same

3. Lele aux Cochons: —

1752: 20 arp. x 1/2 lea.

20. c.

4. 20

1 minot wheat for whole

(72e)

raised

4. Fort St. Frederic: —

1741, 1744 — x?

10. c. par arp. de fr.

200. c. per 20 arp.

1/4 minot wheat per 40 arp.

Doubling wheat

(72f)

not same

5. La répresentation.

1757: 1 1/2 x 1 1/2 near mill built by grantee.

50. 20

6 d. c. for whole.

Observe as to foregoing — first rate only
that subm. to King by

Memphl

D. 28 — Despatch of 1734, Oct. 6.

and there spoken of, as common.
"ordinairement" &c.

D. 8. — } Conf. 1707, 8 Rando's complaints: not acted on
1716. Bejon's d.; not repeating this point.

* suggestion!

10. de 2. 0
1 chap. or 200. par arp. de fr.
an ohors du redoubl.

D. 24 — 1731. Beauh. & Hocquarts incid. mention
of "10. de C. par arp. &

how greatly raised

D. 31 — 1734 Dec^r of same as to various usages

1734 & again
1741.

And his statement as to confirmation of these rules by Int. Arrêts - no less inaccurate:

Note "seulement."

(1) 1710. Apr. 18 - Bijou { who Int. only from 1712, Oct 14. really was of

(73a) A. 40 ———— 1713, Apr. 18. { not printed by Cugnet. not since, until now printed

(2) 1733, July 20. Hocquart. { Summary by Cugnet, shows his text wrong.

Book Ephraim, Cugnet, p. 64 } And same, now printed, shows same still more clearly.

(73b) A. 147 } II. (xxi.) }

Observe, both of these Arrêts de circonstance, & giving variant rates.

Passing, then, to 1790, when Change of Tenure again seriously discussed -

Note: style of Lc general Williams.

(73c) C. 30: 10 ———— Ridiculous as error of his statement.

& Habere:

(74) C. 44: 24 ———— not confirmatory; nor get right.

Note: also

Non Apertion of doctrine by Res. of C.

And, advancing to 1794. Note -

(75) C. 94: 74. ———— Attorney general { Monk's Report. Not copying Williams though not right } because copying Cugnet's error. Observe, too, specialle his conclusion on case

Terms of Arrêts 1663 & 1711. recited. Distinct statement of Int. ad. v. s. traditions.

1822: Trade Act: } Archives de la Ville de Montréal
1825: Tenures Act: } Result any wonder?

SOCIÉTÉ HISTORIQUE DE MONTRÉAL

But true question is -

as to result of this Period on
Legal Rights of Parties: -

Absolutely certain, by Cession of Country
{ and end put (forever?) at least as interim
Proclamation 1763 not needed. }

to Ord. 1749 as to Hab. Residence

Ord. King 1745 as to building

Arêt 1732 as to sale of wido land

Arêt 1711 as to grants by Gov. & Co.
& even obligation to Concede
{ at least practically.

not to speak of { Experte Corvées: as 1716 { Longueuil.
houses &c.: as 1709 { Montreal.

The "Major Privileges of the British Subject"
{ Magna Charta & Common Law
had instantly settled that.

Did Quebec Act affect case?

If it did as to anything
{ And it did not!! }

A multa for noni did it not
as to granting power under Arêt 1711.
{ For no one vested with power
of Gov. & Co.

No one ever has been from that day
to this.

No one ever could be:
unless at sacrifice of every principle.

{ Nota specially -
Original power no mere judicial
matter.

An Implied Escheat.
{ Parallel of other Escheats.
grants in Free & Common Socy.
Durham Report

{ Nota further -
This granting power, only sanc-
tion of Arêt 1711.

{ And indeed 1732 be law!
which no one pretends.

For this { negative? } evidence all.

What, the positive jurisprudence of our courts?
Notorious complaint of its Leigniorial Tenor.

To cite few leading cases { already cited often.

C. 110: 88A.
113: 90
113: 91
Also Encl.

1873-1878. Johnson vs. Hatchins. - { Montréal.

Previous Leignior had taken money.
After ^{receiving quit-rent & discharging lord's} Leignior sues for lord's heavier quit-rent.

Proves a usual rate in Leignior
much above quit-rent.

Court give him his judgment -

Court of Appeals says no -
Quit-rent ship? you only Cens.
Lords not dischargeable.

No pretence contract null. { quoad sale de.
au contraire: maintained.

C. 106: 84
107: 85
109: 87 dr.

1825. Duchessay vs. Hamilton: { Québec.

Rate sued on 4 pence per acre.
(Title never passed -

Rehail Conventionnel de. even demanded
"Comme toutes les terres voisines".

{ This by Vallières!!

Defence by Amiot. { invoking de.
le droit de la jurisprudence de la France.
& com de la loi.

Judgt. for Plff. { Specially as to Rate.

C. 114: 92.

1828. De'callum vs. Joly: { Montréal.

{ Obiter dictum: wholly aside
from judgment.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

C. 116: 93.
119: 97
122: 99
123: 100

1828. Richard vs. Jones: { Montreal.
c. h. h.

{ Agden & Buchanan for Plffs.
{ Walker for Defs.

Action on "Sale & Concession" of 1796
I in Eq. of St. Armand.
For purchase money & quit-rent
{ Note: deed released from lods:
& these not claimed.

Defence: by reply setting up
Acts 1711
& 1732
invoking nullity c. c.

Real Plea

Admissions: everything.

Judgment for Plffs.

C. 124: 101
c. h.

1838-1840. Rolland vs. Dollen: { Montreal

{ Mougelet & Meredith for Plffs.
{ Labontaine & Bachelot for Defs.

C. 143: 119.
h. h.

1840-1842. Hamilton vs. Lamoureux
h. h. h.

{ Meredith for Plffs.
{ Day & Johnson for Defs.

Judgts. again:
Especially in latter.

L. C. Rep. 36-52. - 1857-2. Langlois vs. Martel: { Quebec.

{ Lelièvre & Dupuis } for Plffs.
with
Adams }
{ Epier with } for Defs.
Caron }

Again, in same sense: -
even in case of ente constituée.

Nota: Cases really by

Inference from Jurisprudence:

Force (de facto & jure) of Jurisprudence.

{ As that whereby men know law.

{ ~~Learn from the case & the law~~ post

Objection? from non-Appeal answered.

But this not all.

Foot has made grants in pie since Cession
And How? { What Reserves etc.?

3rd Rep. Com. 1857: p. 94: 1762, Apr 27. Murray Bay.

Mount Murray.

1888, Judge Thibault

& since, under Procl. Statute !!!

Vol. V. p. 312, 3 }
& M.S.

1823, Mar. 22: 3 Geo. IV. C. 14 Sec. 3.

M.S. ———— Thwaites. 4 June 1824

St. James.

M.S. ———— St. George 21 June 1823

St. Norman.

Now, since Union, even, has added
Clegg lots to Thwaites &
St James on same
terms.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

And positive legislation also has aided (so to speak) to build up existing state of law.

not merely

Trade & Tenures' Imp' = Acts: -
{ which (whatever political view) undoubtedly law -
under which for last 28 years Squires' rights existent & valued.

not merely

Sherrington's Act: -
under which 4 Squires with special rights existent &c.

but also -

R.S.P. 632, 177 1840: - Ord. 304 Vic. c. 30: Secs: 2 & 3.
St. Sulpice -

And this, an enactment proposed (it with best reason) to be respected!!

{ Respecting it; how much else must be respected!

and further -

A. 302: A274 1845: - 8 Vic. c. 42: Christie's Act. general.

Other revocation of the Limitative Policy } sale to the public by the Government of Canada in 1854 and 1855 and 1856 and 1857 and 1858 and 1859 and 1860 and 1861 and 1862 and 1863 and 1864 and 1865 and 1866 and 1867 and 1868 and 1869 and 1870 and 1871 and 1872 and 1873 and 1874 and 1875 and 1876 and 1877 and 1878 and 1879 and 1880 and 1881 and 1882 and 1883 and 1884 and 1885 and 1886 and 1887 and 1888 and 1889 and 1890 and 1891 and 1892 and 1893 and 1894 and 1895 and 1896 and 1897 and 1898 and 1899 and 1900 and 1901 and 1902 and 1903 and 1904 and 1905 and 1906 and 1907 and 1908 and 1909 and 1910 and 1911 and 1912 and 1913 and 1914 and 1915 and 1916 and 1917 and 1918 and 1919 and 1920 and 1921 and 1922 and 1923 and 1924 and 1925 and 1926 and 1927 and 1928 and 1929 and 1930 and 1931 and 1932 and 1933 and 1934 and 1935 and 1936 and 1937 and 1938 and 1939 and 1940 and 1941 and 1942 and 1943 and 1944 and 1945 and 1946 and 1947 and 1948 and 1949 and 1950 and 1951 and 1952 and 1953 and 1954 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and 2066 and 2067 and 2068 and 2069 and 2070 and 2071 and 2072 and 2073 and 2074 and 2075 and 2076 and 2077 and 2078 and 2079 and 2080 and 2081 and 2082 and 2083 and 2084 and 2085 and 2086 and 2087 and 2088 and 2089 and 2090 and 2091 and 2092 and 2093 and 2094 and 2095 and 2096 and 2097 and 2098 and 2099 and 2100 and 2101 and 2102 and 2103 and 2104 and 2105 and 2106 and 2107 and 2108 and 2109 and 2110 and 2111 and 2112 and 2113 and 2114 and 2115 and 2116 and 2117 and 2118 and 2119 and 2120 and 2121 and 2122 and 2123 and 2124 and 2125 and 2126 and 2127 and 2128 and 2129 and 2130 and 2131 and 2132 and 2133 and 2134 and 2135 and 2136 and 2137 and 2138 and 2139 and 2140 and 2141 and 2142 and 2143 and 2144 and 2145 and 2146 and 2147 and 2148 and 2149 and 2150 and 2151 and 2152 and 2153 and 2154 and 2155 and 2156 and 2157 and 2158 and 2159 and 2160 and 2161 and 2162 and 2163 and 2164 and 2165 and 2166 and 2167 and 2168 and 2169 and 2170 and 2171 and 2172 and 2173 and 2174 and 2175 and 2176 and 2177 and 2178 and 2179 and 2180 and 2181 and 2182 and 2183 and 2184 and 2185 and 2186 and 2187 and 2188 and 2189 and 2190 and 2191 and 2192 and 2193 and 2194 and 2195 and 2196 and 2197 and 2198 and 2199 and 2200 and 2201 and 2202 and 2203 and 2204 and 2205 and 2206 and 2207 and 2208 and 2209 and 2210 and 2211 and 2212 and 2213 and 2214 and 2215 and 2216 and 2217 and 2218 and 2219 and 2220 and 2221 and 2222 and 2223 and 2224 and 2225 and 2226 and 2227 and 2228 and 2229 and 2230 and 2231 and 2232 and 2233 and 2234 and 2235 and 2236 and 2237 and 2238 and 2239 and 2240 and 2241 and 2242 and 2243 and 2244 and 2245 and 2246 and 2247 and 2248 and 2249 and 2250 and 2251 and 2252 and 2253 and 2254 and 2255 and 2256 and 2257 and 2258 and 2259 and 2260 and 2261 and 2262 and 2263 and 2264 and 2265 and 2266 and 2267 and 2268 and 2269 and 2270 and 2271 and 2272 and 2273 and 2274 and 2275 and 2276 and 2277 and 2278 and 2279 and 2280 and 2281 and 2282 and 2283 and 2284 and 2285 and 2286 and 2287 and 2288 and 2289 and 2290 and 2291 and 2292 and 2293 and 2294 and 2295 and 2296 and 2297 and 2298 and 2299 and 2300 and 2301 and 2302 and 2303 and 2304 and 2305 and 2306 and 2307 and 2308 and 2309 and 2310 and 2311 and 2312 and 2313 and 2314 and 2315 and 2316 and 2317 and 2318 and 2319 and 2320 and 2321 and 2322 and 2323 and 2324 and 2325 and 2326 and 2327 and 2328 and 2329 and 2330 and 2331 and 2332 and 2333 and 2334 and 2335 and 2336 and 2337 and 2338 and 2339 and 2340 and 2341 and 2342 and 2343 and 2344 and 2345 and 2346 and 2347 and 2348 and 2349 and 2350 and 2351 and 2352 and 2353 and 2354 and 2355 and 2356 and 2357 and 2358 and 2359 and 2360 and 2361 and 2362 and 2363 and 2364 and 2365 and 2366 and 2367 and 2368 and 2369 and 2370 and 2371 and 2372 and 2373 and 2374 and 2375 and 2376 and 2377 and 2378 and 2379 and 2380 and 2381 and 2382 and 2383 and 2384 and 2385 and 2386 and 2387 and 2388 and 2389 and 2390 and 2391 and 2392 and 2393 and 2394 and 2395 and 2396 and 2397 and 2398 and 2399 and 2400 and 2401 and 2402 and 2403 and 2404 and 2405 and 2406 and 2407 and 2408 and 2409 and 2410 and 2411 and 2412 and 2413 and 2414 and 2415 and 2416 and 2417 and 2418 and 2419 and 2420 and 2421 and 2422 and 2423 and 2424 and 2425 and 2426 and 2427 and 2428 and 2429 and 2430 and 2431 and 2432 and 2433 and 2434 and 2435 and 2436 and 2437 and 2438 and 2439 and 2440 and 2441 and 2442 and 2443 and 2444 and 2445 and 2446 and 2447 and 2448 and 2449 and 2450 and 2451 and 2452 and 2453 and 2454 and 2455 and 2456 and 2457 and 2458 and 2459 and 2460 and 2461 and 2462 and 2463 and 2464 and 2465 and 2466 and 2467 and 2468 and 2469 and 2470 and 2471 and 2472 and 2473 and 2474 and 2475 and 2476 and 2477 and 2478 and 2479 and 2480 and 2481 and 2482 and 2483 and 2484 and 2485 and 2486 and 2487 and 2488 and 2489 and 2490 and 2491 and 2492 and 2493 and 2494 and 2495 and 2496 and 2497 and 2498 and 2499 and 2500 and 2501 and 2502 and 2503 and 2504 and 2505 and 2506 and 2507 and 2508 and 2509 and 2510 and 2511 and 2512 and 2513 and 2514 and 2515 and 2516 and 2517 and 2518 and 2519 and 2520 and 2521 and 2522 and 2523 and 2524 and 2525 and 2526 and 2527 and 2528 and 2529 and 2530 and 2531 and 2532 and 2533 and 2534 and 2535 and 2536

II. Under all Circs. then -

Put out of view (if possible)
all considerations - insisted on

- Old French Law -
- Terms of frank -
- True meaning of Anêb -
- Course of Jurisprudence -

Try to believe Seigniors once Trustees -

What has this 90 years Prescription made them?

{ Property guaranteed by great Charta -
 { Impossible to maintain pretend of Law ^{by whole body of common law -} to have created
 { Pretended old law, inoperative ^{a nullity against them in particular -}
 "faut de Cour, & de Sanction" -

Jurisprudence,
 Action of Government,
 Legislation -

all confirmative of their Position ^{as Prop.}

Every value thus settled { as well Fief
 - Contract thus made { as Censive equally
 with Censive
 Creditor
 Crown -
 Quint thus paid & taken !!

It is proposed (salvo jure Seminarii)
 (Exceptis pendis Coronae)

Dash Ductor

to destroy whole system - go back for light to 1711 & France.

Revive (in small part only
 + against small class only)
 Exploded & pernicious system -
 But in form, too new for recognition.

Reverse entire Jurisprudence,
Action of foot
Legislation -

Unsettle every value -
 Giving away thefts by wholesale.

Break every contract -
 Even though Crown holder of
 value consequent: -

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

✘ Ramsay's Case.
 ✘ Allard's Case. Foucault.

Declaration from Throne & Answer !!!
 Archives de la Ville de Montréal

III. Comment on Bill.

a. Preamble, + Title.

Why define?
Why seek to restore?

Above all, why repeal

8 Vic. c. 42 +
12 Vic. c. 49;

i.e. why abolish Voluntary Commutation.

b. Conception of Lands Clauses.

2 to 15 incl.

2. Dangerous ambiguity of Clause 2 as to "judicial power".

Que: Escheat of Duke Leignior?

Meaning of "Jucuit Court."

Any one judge, acting aft Leignior = fov. + Int.!!

Add ominous "Extensions" i.e. hinted at.

3, 4; Two or these changes.

Their danger; + significance.

5, 6. Two more. Meme remarque.

Add marvellous blank in price.

Inconsistency of calling this a rent
"representing the value &c.!!"

7, 8. Again new feature; + obnoxious!

{ Immorality even.

9. Still innovation; + monstrous!

And again, marvellous blank!!

10. Suit vs. Leignior!

{ Note: Minor Child: still door to fraud.

10, 11, 12: Summary: no right to plead in writing.

Judge able to grant other land than asked.

delay for Leignior all in Judge's discretion.

13. Nay, Judge even irresponsible, capable of
devoting land to any other than Leignior's use.

14. gratuitous reversal of every rule of evidence.

15. No Appeal!

Monstrosities of all this, only apparent
by contrast with next Chapter!

Advert here to
Clause 89,
interpreting "wild land."

Confront then with
c. Reunion to the Domain!
16 to 28 incl.

16, 17. Pretended Boon utterly illusory.

18. "At least 6 mos. delay" between
an interlocutory &
Final Judgment.
After which any "party interested" may
put Lignior through new Contest.
+ this anyhow!
not merely by shewing compliance.

19, 20, 21 etc. Fresh foot anyhow to Lignior!
Censitaires' Creditors protected;
though Lignior's not.

22. Reunion orderable, after delay of cost,
only where no one contests
nor yet files opposition!

23. Sale, wherever any Opposⁿ maintained
i.e. after Lignior has gone to cost
of Contesting, &c. &c.

24, 25. That Sale, need - at Lignior's Cost!

26. Who graciously allowed to oppose
for his Anceurs.
*Anceurs as to costs?
oppose covered by*

27. ?

But to Cap Climax, read

28!! "reserved for cutting fire wood although"

Nota: Lignior all while sans intérêt to act.
nothing really executable vs. Censitaire.

Compare these two procepes with the
Two Arrêts of Parly;
+ say, how far "restoring remedies" or why?
Archives de la Ville de Montréal

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

I proceed:—

d. Definition of Rights, Mills, Water power & Banality.
29 to 32 Incl.

29. Waters:

{ Quere: why recital here of "Leuds."?

True state of Law.

Imprimis: Peche: in connexion with it generally granted to Seigniors

D. 31, 2 ——— Comment on Beaumont's despatch of 1734, Oct. 6.

Citing Arrets

- (77a) ——— 2. 83. ——— 1723, July 25 } Portneuf.
- (77b) ——— A. 133. ——— 1730, June 2 } Portneuf.
- (77c) ——— A. 150 ——— 1732, March 27 } St. Francois
- (77d) ——— A. 154 ——— 1733, March 10 } St. Francois
- 27d' ——— D. 34 ——— Reply of Crown to despatch.
- 27? ——— H. lxxxix. ——— 1750, Feb. 18: Lozel.

Inferences to be drawn.

Secundo: Advert to terms of many grants quoad vivers.

Controversy in France as to property in vivers.

Seigniors Feodaux & Justiciers.

Usurpations of Crown & great Seigniors.

Sweeping away of System.

State, heir of Justiciers' pretensions & usurping as of old.

Stewart Rep. 565 etc.

See doctrine held in Boisbarnault }
1833. Oliva. }

Note, however, conclusions too far, if taken generally.

Not indeed as intended by Court. { Case of grant being excepted.

And aside from that Controversy still open in France.

Championniere &c.

carrying property through Feodaux to Censitaires.

Others, through Justiciers & Arrets de la Ville de Montreal.

No other Controversy here.

Careful statement of true position.

Not arguing for Droit de Banalite.

Only indicate its
side wind destruction by C.
29 &
30:

Inevitable, unless by prevention
of other mills: -

{ Observe, en passant,
evil of monopoly really slight.
price being low &c.

And nota: With banalite in effect
gone, it is proposed by
Sec. 32 still to keep on Leigh
the Obligation to maintain
mill.

{ Inventions:
Clause can have no
other practical effect:
for right pretended to
be given exists now.



Proceeding, then
c. Honorary Right, &c. &c.
30 to 42 incl.

33. Honorary Rights
Hardly calls for remark.

34, 35. Retrait Conventiounel.

{ Clauses a mockery }

Advert to
Raudot's despatches

D. 7. ——— 1707

D. 12 ——— 1708.

Constitution
Minute, &c. Cons. Marine

D. 17a. ——— 1717. Contrast with uniform
jurisprudence:
even Benjamin Archives de la Ville de Montreal

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

IXliv. }
A. 47 } ——— 1714, June 15.

Repeat: These Clauses a crockery
{ save only grood Sheriff's sales.

where fraud proved, higher lods the remedy.

Contract never illicit.
only remedy agt. fraud.

Repetition, again, immoral.

36, 37: Rates:

Dwell on proposed reduction.

Qualified as in futuro,
but really ex post facto.

Why two pence.

{ Value of Money!

Prices of wheat, labor &c.

Clauses of Edit 1667-78. !!!

Why money at all, as maximum?

Price of money so falling!

{ 38, 39: pass over. }

40. Why this?

Other Bailleus de Fonds saved!

41. Clauses of Resewe.

Further unsettlement of every Contract.

1st Resewe a pace: see Clause 28.

2d. Rates reduced!

3d. ut supra.

Why all this? Illicit? :: Null?

And sans Indemnité!!

42. Mortmain.

Little supplement of prohibition.

(81)

C. 177-152

I.

Proceeding -
f. Commutation Clauses.
43 to 72.

Note -

(1) 43 to 57. Extraordinary Machinery
for manufacture of ~~the~~
Commutation Schedules.

1 Man: no appeal!
no correction even!

Every value to be fixed now in money
below money price
impossibly.

One per Cent advance!

(2) 52 to 67. Do-Do for use? of them!

Every Leignem quasi put into Bk.
or rather much worse.

(3) 68 to 72. Do-Do for Extraordinary
Incorporation of Curataries.

Notary! what power.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Pap, then, to

g. Indemnity!!!! Clauses.
73 to 85.

Untrue recitals -

Ridiculous permission to Appeal to
Non-professional Court, with
a requête impossible to prove in fact
& available, too, in law.

Then & there, to encounter Law Offs of course!

With Appeal to Court Q.B.
{emasculated}

+ to Privy Council {if £500!

And lastly; with funds to be paid from; -
? not equal to expenses of Court.

Quint 12? } for 38 yrs to 1841 - £836.5.5 1/2 a year } Dy. prop
7 yrs since 1841 - 779.2.9 } net?
Call it (with anears) worth £1,000

Domain for 7 years since
1841 - £690.18.4
Call it (with anears) worth - £1,000

Lauzun, prop estimated revenue
£1771.16.8
+ 720.--- ?
2491.16.8

Call it _____ £2500

Auction Licenses
(Objectionable tax)
Call _____

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Last of all:

h. Interpretation.
86 to 92.

86. Exempting J.E. Seignories
Crown Seignories
Lent-Val. Seignories

87. Saving (?) of Past & Areas.

88. Defⁿ of Seignory.
Alens included

89. Wits Land.

Is all this compatible
with both as to old law

Do as to new?

Do as to Credit of
Country

Confidence - slow growth.

Non-final character of Bill.

France: Revolution
Championnière
Lack want of analogy

{ Wind - Whirlwind.

Matter here of mere property
contract
law.

No symptom of revolutionary disregard
of these.
High Character of People!

Except in Jurisdiction of Legislature,
quoad Contract. &c.

Rep. 4. 118.

Coke Magna Charta.

"Law" - "Rights"

Confident (notwithstanding appearance)
of final result.

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Appellations: -

50: Cond. 1. - "à la charge que les appellations de la justice que de dit xx poulx établis, ressortent à la justice royalle des trois Rivieres," -

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Foy & Hommage:-
Autres droits:-

50. Coust. 2. — "et pour la foy qu'il y sera tenu porter par un
seul hommage lige à chaque mutation de possession,

3. — "avec le revenu d'une année selon la Coustume de
"la prévosté et vicomté de Paris,"

50a. Coust. 1. — "relavant de la dite seigneurie de la Citée,
"en pleine foy et hommage,"

2. — "à la charge de 10 minots de bled froment de
"rente noble, féodale et foncière, payable à chaque
"fête de St. Martin d'hyver,"

3. — "avec le revenu d'une année de la dite île
"à chaque mutation de possession, suivant la dite
"Coustume du Végiv François,"

54. Coust. 1. — "le tout à la charge qu'il n'y aura aucun
"changement de la noblesse, à nous apparten-
"ant en Cestendue du dit pays,"

2. — "et à une seule foy et hommage,"

3. — "aveu et dénombrement de la dite terre et
"Baronnie,"

4. — "aux droits et devoirs à nous deubz et
"ordonnez au dit pays,"

5. — "et sans qu'à defaut d'hois masles
"nez en loyal mariage, nous peussions en nos
"successions Royz, prétendre la dite Baronnie
"estre péunie à nostre domaine x x sans la
"quelce condition le dit x x n'avoit accepté
"nostre présente grace,"

54a. Coust. 1. — "à la réserve d'une rente noble et seigneu-
"riale de 5 minots de bled froment bon et loyal,
"non rachetable, qui se devoit payer par
"chaque an au jour de St. Martin d'hyver,
"au lieu seigneurial de la Citée,"

2. — "et à la charge de la foy et hommage
"que le dit x x seroient tenuz de porter à
"la dite seigneurie, à perpétuité,"

3. — "avec le revenu d'une année pour droit de
"rachapt à chaque mutation de possession,
"suivant la Coustume du Végiv François en-
"clavé de la Coustume de Paris,"

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL

Titre: —

50. — "en toute propriété, avec droit
"de haute & moyenne et justice, haute
"moyenne et basse, et aux droits
"honorifiques ordinaires une seig-
"neur de paroisses dans les églises
"lorsqu'ils y seront bâties," —

50a. — "en fief, avec justice moyenne
"et basse seulement," —

54. — "avons créée et érigée, créons et
"érigeons en titre et dignité de Ba-
"ronnie, ~~++~~ ++ avons ++ fait et
"faisons don ++ du droit de justice,
"haute, moyenne et basse en toute
"étendue ++ pour la dite justice
"faire à l'avenir exercée conjointe-
"ment sous le dit titre et qualité
"de Baron Chastelain," —

54a. — "en pleine propriété et fief noble
"avec moyenne et basse justice," —

SOCIÉTÉ HISTORIQUE
DE MONTRÉAL