

licence or warrant mentioned do respectively make part and parcel of the country heretofore, called Canada, in the said deeds of concession mentioned, and that the lands and premises, thereby given, granted and conceded are situated in that part of the province of Lower Canada known and distinguished by the name, of the district of Montreal.—That by virtue of the said royal licence and warrant, the said Alex. Phelps as the workman and servant of the said Christopher Idle, John Idle, George Idle, Thomas Coates, and William Haynes, and by their command before the 13th of March, one thousand, eight hundred and nine, in the declaration mentioned, did enter upon the lands and premises in and by the aforesaid deeds of concession, given, granted, and conceded, and by virtue of the said reservations and conditions, and of the said royal licence or warrant did there fell and cut, two hundred and ninety three oak timber trees, being oak timber trees fit to be used in the building of vessels, for the royal navy, and being trees wherein the property was reserved to our Lord the King, and being good and sound trees answering the dimensions, and to answer the number mentioned in the said contract in the said royal licence or warrant referred to, for and towards the fulfillment of the said contract, to be transported and conveyed into his Majesty's stores, as in the said royal licence or warrant is mentioned.—That the said two hundred and ninety three oak timber trees so felled and cut as aforesaid from the time of felling and cutting the same up to the time of the seizure under the writ of attachment in the said cause issued constantly remained and were in custody of the said Alexander Phelps, as workman and servant as aforesaid, and are part of the timber unjustly demanded by the said Napier Christie Burton.—That by reason of the premises, the said two hundred and ninety three oak timber trees &c. before and at the time of suing out the writ of attachment in the said cause were and have since continued, and now are the proper goods and chattels of our said Lord the King, and at the time and times aforesaid were in the lawful possession of the said A. Phelps as workman and servant as aforesaid, for the use of the King and for the interest and purposes in the said licence or warrant mentioned.—The 3d. plea alleges that the King on 2d. October 1807 was seized as owner and proprietor, and was lawfully entitled to all and singular the oak timber trees fit to be used in the building of vessels for the royal navy which were then standing, growing and being upon a fief and seigniory called the seigniory of De Lery situated &c.—and in and upon the domain within the same, and also in and upon a certain other fief and seigniory called the seigniory of La-Cole, situated &c., and in and upon the domaine &c. within the same, and in and upon a certain other fief and seigniory called the seigniory of Noyan, situated &c. and in and upon domaine and land within the same &c.—and being so seized and possessed, and lawfully entitled to the said oak timber trees, the King, on the day and year last aforesaid, gave licence to Christopher Idle, John Idle, George Idle, Thomas Coates and William Haynes, their agents and workmen to enter into and upon the said fiefs and seigniories &c. and there fell and cut down certain of the said last mentioned trees to be transported &c. and conveyed into his Majesty's stores for his Majesty's use, by virtue of which said licence, the said A. Phelps as workman and servant of the said Christopher Idle, John Idle, George Idle, Thomas Coates and William Haynes, and by their command did enter upon the said fiefs and seigniories and did there fell and cut two hundred and ninety three timber trees, being oak timber trees fit to be used in the building of vessels for the royal navy, and being oak timber trees, whereof the King was seized, and to which he was entitled as aforesaid, and the said oak timber trees did cut and convert into two hundred and ninety three logs and pieces of oak timber, which are part of the timber in the said declaration mentioned and thereby unjustly demanded.—That the said last mentioned logs and pieces of oak timber before and at the time of suing out the writ of attachment in the said cause were and are of the proper goods and chattels of the King, and at the time and times aforesaid, were in the possession and custody of the said A. Phelps as workman and servant as aforesaid &c.

The fourth plea alleges that the King on the 2d. October 1807 was seized as owner and proprietor of the seigniories mentioned in the preceding pleas, and being so seized the King afterwards, on the day and year last mentioned, gave licence to Christopher Idle, John Idle, George Idle, Thomas Coates and William Haynes &c. (the particulars of the licence and the cutting of timber under it are here stated as in the preceding plea.)

To the 1st. plea the said Napier Christie Burton replied that the Appellant did detain the said timber &c.—To the 2d. that his most christian majesty did not reserve any oak timber as stated in the said plea, and that the King did not give