

COPY OF A CASE

ON BEHALF OF

THE LADIES OF THE URSULINE CONVENT OF QUEBEC,

IN

SUPPORT OF A MEMORIAL BY THEM PRESENTED

TO

HIS EXCELLENCY THE GOVERNOR IN CHIEF.

THESE proceedings originated in an application made by John Fraser, Esquire, grantee from the Ladies of the Ursuline Convent of Quebec, of a lot of land and beach at *l'ance des mères* near the City of Quebec, lying within the *censive* of the Crown, for a commutation of the tenure and for a fresh grant thereof to the said John Fraser, to be by him holden in free and common soccage, under the provisions of the Act of the Imperial Parliament of the 3d Geo. IV, c. 119, commonly called the Canada Trade Act.

The title of Mr. Fraser to the land in question, under the sale to him made thereof by the Ladies of the Ursuline Convent, was in the ordinary course, referred to the Attorney General and to the Inspector General of the King's Domain. The latter officer, by his report of the 3d November, 1832, while he seems to admit the good faith of the possession of the Nuns of the whole of the premises sold by them to Mr. Fraser, refers to titles antecedent to those of the Ladies of the Ursuline Convent, whereby the lot in question was bounded towards the River St. Lawrence, by a line at the distance of from fifteen to twenty toises from a road reserved along the River St. Lawrence; inferring from this, that the strict legal title to so much of the lot as lay below that line was in the Crown, he concludes with submitting to His Excellency, "how far the prayer of the petitioner, Mr. Fraser, could be granted in the shape in which it then presented itself, in respect of so much of the said lot of land, as he" (in the opinion of the Inspector General of the King's Domain,) "had failed to show a sufficient title, or whether or not His Excellency would be pleased to make the petitioner an original grant of that part as being in the possession of the whole as a *bona fide* purchaser." He recommended also for the purpose of ascertaining the true bearing of the case, that a plan should be drawn shewing the line of high water mark of the River St. Lawrence along the whole length of this lot, and the distance from this line to within three feet of the ridge of the cape, (Mr. Fraser's boundary to the land.)

The Attorney General adopting the result of the researches of the Inspector General of the King's Domain, by his report of the 19th of November, 1832, submits therein in conclusion that His Majesty's Government may exercise its discretion in granting to Mr. Fraser, in free and common soccage, that part of the land which lies beyond the line referred to in the report of the Inspector General, with the reservation of a road for the convenience of the public and for such consideration as might seem just and equitable.

In consequence of these several reports, Mr. Fraser presented on the 6th of December, 1832, a petition to His Excellency the Governor in Chief, stating that he having acquired from the Ursuline Nuns a lot of land and beach at *l'ance des mères*, of nine arpents and a half in front, and extending from low water mark to within three feet of the summit of the Cape, situate within His Majesty's Seignior, he had applied for a commutation of the tenure of the said lot of land and beach, but that no formal grant being to be found to that portion of the beach which lies between a line drawn at a distance of fifteen to twenty toises from a road supposed to have been reserved along the margin of the River and low water mark, the proper officers had not felt themselves authorized without the sanction of His Excellency to include the same in the surrender and regrant. The prayer of this petition was, that His Excellency would be graciously pleased to grant his authority to the Law Officers and other Public Officers in that behalf, to include in such surrender and regrant the remainder of the soil comprised in the conveyance of the Nuns to the petitioner, Mr. Fraser, or that His Excellency would grant the same to him for such consideration as to His Excellency should seem just and equitable.