

22 Mars, 1790. *Appendix.*
No. 59.

La Cour ayant considéré les Plaidoyers des parties, et après en avoir délibéré, est d'opinion que les défendeurs ne se sont pas conformés à l'article onzième des règles de cette Cour, ayant du lors du jour de retour des sommations filé leur exception, soit peremptoires, delatoires ou declinatoires, que le même jour, auquel M^{tre} Cugnet, leurs Avocat filât sa comparation il fut ordonné, qu'il fournirait ses défenses et non un écrit intitulé mal à propos, défenses, qui cependant est une exception declinatoire, que les défendeurs n'ayant aucunement prouvé ainsi qu'il lui étoit permis, de le faire par le jugement interlocutoire de cette Cour, que les assignations à eux données ont été signifiées hors de la juridiction de cette dite Cour, ils en sont forclos d'après ces considérations, la Cour deboute les défendeurs de leurs exception declinatoire qu'ils ont qualifié de défenses avec dépens occasionnés par la dite exception, et ordonne qu'ils fourniront leurs défenses au mérite de la cause sous trois jours.

Extracts from the British Evidence. Boundary of Canada.

Proceedings in the Court of Common Pleas of Quebec, Sep. 14, 1790. Br. Ev. No. 29.

Monday, 9th July, 1787.

Present,

His Excellency the Right Honorable GUY Lord Dorchester, Governor.

The Honorable HENRY HOPE, Esq. Lieutenant Governor.

WILLIAM SMITH, C. J.

HUGH FINLAY,

GEORGE POWNALL,

HENRY CALDWELL,

P. R. DE ST. OURS,

LE COMPTE DUPRE,

EDWARD HARRISON,

J. G. C. DE LERY,

WILLIAM GRANT,

FRANCIS BABY, Esquires.

Extract from the Minutes of the Executive Council of Quebec. July 9, 1787. Br. Ev. No. 31.

His Lordship intimated the propriety of ascertaining the limits between this and the Province of New Brunswick, and that the Surveyor General of that Province would soon meet Mr. Holland for that purpose; and as it was absolutely requisite towards opening and sustaining the land communication between the two Provinces, that the lands on both sides of it should be settled, his Lordship proposed, and the Council concurred in authorizing Mr. Holland to give assurances to all persons to settle there, and especially the *Accadians in that vicinity, of the favorable intentions of this Government to issue Grants in their favour* for three hundred acres to the head of every family, out of the waste lands of the Crown in that quarter; and it is for that purpose recommended to them to explore the places fit for cultivation on both sides of the route, and apply, by petition, in the usual course, for grants to be made, agreeable to the Royal instructions.

Copy of his Excellency Lord Dorchester's Instructions to Mr. John Holland.

“QUEBEC, 9th July, 1787.

“Sir:—You will be pleased to accompany Mr. Finlay to the *Great Falls on the River St. John*, in order to assist in marking out the Boundary between the Provinces of Quebec and New Brunswick, where it crosses the road of communication between these two Provinces, in such a manner that the lands at the different carrying places, and throughout the whole of the said communication on both sides, may be granted by the respective Governments without delay. You will there meet the Surveyor-General of the Province of New Brunswick, or some other person or persons authorized by the Lieutenant Governor of the said Province, in concert with whom and Mr. Finlay you will proceed upon that business.

Lord Dorchester's instructions to Mr. John Holland.—British Evidence, No. 32.