

incurred to support the Missions of the said Savages, and to labour for their salvation, and particularly in regard to those who were settled at the said place of Sylleri, for whom, since they have left that place, they have bought at their own costs other Lands in different parts of this Country to settle them thereupon, without which they would have been dispersed.

The description of the Lands granted by this deed is as follows:—

The Fief, Land and Seigneurie of Sillery of a league in breadth upon the River St. Lawrence, and of a league and a half or thereabouts in depth till it reaches the Fief St. Gabriel, which bounds it in the rear, commencing on the North East side at the "*Pointe de Puisseaux*," and on the South West side at a line which separates it from the Fief Guadarville, one of which lines was drawn about twenty five and the other about forty years before, with all the rights and privileges formerly granted to the said Savages.

The influence of the Jesuits at the Court of France, enabled them to obtain from the King of France a Confirmation of this grant "although contrary to a rule which His Majesty had laid down to give no more Lands in Canada to Religious Communities."

These papers will be found in the Appendix to this Report under the letter (D.)

The validity of this Grant of the Fief of Sylleri to the Jesuits may be questioned upon strong Grounds.

They were the priests and spiritual advisers of the Huron Indians.

They took possession of the Seigniori of Sylleri on the 13th March 1651, as the Tutors of the Indians—They continued that possession down to 1699, as admitted in their own petition as Administrators of the property of the Indians.

Under the 131st article of the Ordonnance of Francis the first in 1539, and the declaration of Henry the 2d of 1549, and the 276th article of the Custom of Paris, the Jesuits could not lawfully have accepted a donation of these Lands from the Huron Indians themselves.

Nor do the legal disabilities of an agent or tutor in relation to the acquiring of the property of his principal or pupil depend solely upon the above positive Laws.

"The Office infers a natural disability which *ex vi termini* imports the highest quality of legal disability, a Law which flows from nature, and is founded in the reason and nature of the thing, is paramount to all positive Law. This is not an arbitrary or local disposition, it is the constitution of nature itself, and is as old as the formation of Society, and of course it must be universal, it proceeds from nature and is silently received and made effectual wherever any well regulated system of Civil Jurisprudence is known.

"The ground on which the disability or disqualification rests, is no other than that principle which dictates that a person cannot be both judge and party; no man can serve two masters. He that is entrust-