

the Quint paid to the Crown in 1781 on Mr. Dunn's purchase and the putting of him in possession of the premises,—by the Foi et Hommage in 1781, by deed of sale from Nicolas Gaspard Boisseau of 1784, by another from William Grant to Thomas Dunn and Peter Stuart of 1789, the lease of 1803 and succeeding leases until this time, the Foi et Hommage of 1837 intervening, and finally the statute of 1856 recognizing the title and right of the present proprietors.

With such overwhelming evidence as to the existence of the Seigniorie, it is difficult to conceive how Mr. Bouchette can justify his endeavouring to disturb the repose of the proprietors, and the unusual amount of zeal and feeling exhibited in his Report, throwing the weight of his office on the side of those who, without any right to Mingan, are endeavouring to procure titles which would, most certainly, involve a troublesome and most serious litigation.

Not having had access to some documents by Mr. Bouchette said to exist, and being of the nature of short leases which terminated more than a century since,—in his report stated to be annexed to it, but which are not,—it is difficult to understand how they can affect the established possession of the proprietors. Not one of these leases has any reference to land above the Kegashka river which, in Mr. Bouchette's plan of 1846, as well as in that of 1829 of Mr. Saxe,—who is supposed to have taken his boundary on the East from the map of Mr. Vondenvelden,—is stated to be the eastern boundary of the Seigniorie. How it was that this boundary was encroached upon between the Bay des Espagnols and the Kegashka river does not appear, and no adverse possession is shewn; but, on the contrary, a quiet and continuous unmolested occupation by the proprietors, through their lessees, of the whole Seigniorie, has been established.

Mr. Bouchette has, in his report volunteered an opinion upon legal questions which are scarcely within the province of a Deputy Surveyor General to decide. If instead of merely citing the following principle of law from an opinion of the Honorable Sir Narcisse Belleau, "*comme règle, la Couronne ne doit pas interpréter strictement la loi de manière à enlever au sujet une propriété ou partie d'icelle en possession de plus de cent ans en 1781. Au contraire, la plus grande latitude d'interprétation favorable à l'intérêt privé doit prévaloir,*" he had acted up to the spirit of it, his report would have been a much more safe guide for those whom it is intended to influence.

GEORGE OKILL STUART,

Q. C.

Quebec, 21st December. 1867.