

the 23d October 1699, granting the Seigniory of Sillery to the Jesuits in their own right, and stating as reasons, among others, for that grant, that the Government was fully acquainted with the good intentions of the Jesuits, of the great assistance both spiritual and temporal which they had given to the Indians, and of the great care which they had taken, and the vast expense which they had incurred, particularly with those established at Sillery, for whom, after that place was abandoned, they had purchased at their own expense other lands in different parts, without which the Indians would have been dispersed. It is now attempted to impugn this grant. *First*, as being inconsistent and incompatible with the character in which the Jesuits stood as Trustees and Agents for the Indians. *Secondly*, as having been obtained on a false suggestion of the purchase of other lands for the Indians by the Jesuits; and *lastly*, as conveying that which the French Crown had no right to grant at all, it being already vested in the Indians. If it be true, as we have submitted, that the abandonment was a forfeiture of the grant of 1651, as being a breach of the condition, the trust reposed in the Jesuits was at an end, and could therefore form no obstacle to their receiving the property in their own right; and this is also an answer to the third ground of objection. Nor is it to be presumed that the suggestion of the purchase of other lands by the Jesuits was false. No particular lands are specified as having been purchased, any more than the particular tribes for whom the purchases were made; but it must be presumed that the Government was convinced of the fact, or it would not have been assigned as a reason for the grant to the Jesuits. Besides, the length of time, being upwards of a century, during which the Jesuits enjoyed the undisturbed and undisputed possession of the property, would of itself be an answer to any objections which could be made to the grant, or to the motives which induced the French Crown to make it.

But *lastly*, it is contended on behalf of the Petitioners that, even admitting the validity of the grant to the Jesuits, yet as that grant is limited to one league and a half in depth, there still remains two leagues and a half, of the equitable claim to which the Indians have never been divested, and out of the proceeds of which it is alleged that an annual allowance has been made to the Huron Indians. It would be sufficient, we apprehend, in answer to this argument, to observe that the abandonment of the Settlement operated as a forfeiture of the whole Property conceded in 1651. But it will be seen that the grant *proceeded on a mistake in point of measurement*; and that the depth of Sillery could not in