

never moved grain or flour in that direction, nor has he any occasion to do so, or any interest in doing so.

11. "The Respondent at one time attempted to justify these encroachments by claiming title to the bed of the River, which, he said, he acquired from the late *Seigneur* of Beauport."

12. "On reference to the Respondent's deed, it will be found he did not acquire his property from the late Mr. Duchesnay, as *Seigneur* of Beauport; he therefore can claim none of the *Seigneur's* right of privileges. Moreover, the Judges of Lower Canada have decided the *Seigneurs* never had such a right, See Lower Canada Reports. *Questions Seigneuriales*, vol. A, page 130, à des Rivières Navigables."

Questions of law are not to be discussed by the profane, and I grant your infallibility in matters on which all the Courts and all the Judges are proverbially unanimous. I complain, however, of a mistake or misrepresentation to my prejudice, contained in the 11th and 12th paragraphs. You say "that at one time I attempted to justify my encroachments by claiming title to the bed of the river, as having acquired it from the late Seignior." You mean, of course, against all the world. Now I certainly did not do any such thing. My position was this, that in my adversary's own title in the deed of conveyance to him, there was a reserve *in my favor*. In the third page of my factum I intimated that it *might not be well founded against* the rest of the world; but that, being a reserve in his own deed, in which I was named as *being in the rights of the late A. J. Duchesnay, Seignior of Beauport*, he, my adversary, who bought upon that condition, was estopped from controverting that position. If this should be, as I hope, intelligible to laymen, they will perceive that I thus raise between you and me a serious question, and that I distinctly deny having, in the remotest manner, admitted encroachments on my part. In the second page of my factum you will find the above mentioned condition of his deed quoted to establish this proposition, that my adversary could no more encroach on me than he could encroach on Mr. Duchesnay. In case you should revise your opinion, I submit this statement for your guidance.

13. "As to the allegation that the Respondent was forced to erect this wharf to protect himself against the works of the Appellant, on the opposite side of the river, it shows a clumsy attempt to justify an act done in open violation of the laws of the land, and of neighbor's rights."