

been lodged by Sir John Caldwell, late Receiver-general of Lower Canada, against a decision of the courts there, with regard to the seigniority of Lauzon, and directing me to take the necessary steps for supporting the decision of the courts of Canada, I beg leave to acquaint you, for my Lord's information, that I have defended this appeal in the Privy Council, and that judgment has been obtained affirming the decision of the Canadian courts, with costs amounting to 318*l.* 17*s.* 6*d.* sterling.

I have, this day, received the Order in Council to this effect, which, I submit, should be sent to His Majesty's Secretary of State for the Colonial Department, in order to be forwarded to the colony.

As the costs are to be paid by the appellant, I submit that the Secretary of State should be requested by my Lords to direct the Governor of Lower Canada to instruct the attorney-general to recover these costs from the appellant.

I am, &c.

The Hon. James Stewart.

(signed) Charles Bouchier.

Correspondence
respecting
Sir J. Caldwell.

(No. 3.)

At the Court at St. James's, the 25th of June 1834.

Present,—The King's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the Judicial Committee of the Privy Council, dated the 21st of June, instant, in the words following, viz.:—

Your Majesty having been pleased, by your Order in Council of the 16th of October 1833, to refer unto this Committee (amongst other petitions and appeals then pending and unheard) the humble petition and appeal of William Meiklejohn, tutor to the substitution contained in the testament olographe of the late Honourable Henry Caldwell, against your Majesty's Attorney-general for the province of Lower Canada, and the Honourable John Caldwell, setting forth that the late Honourable Henry Caldwell, of Belmont, near Quebec, in Lower Canada, being possessed of the seigniority of Lauzon and other estates, made and wrote, in his own handwriting, his last will and testament as follows:

"I, Henry Caldwell, of Belmont, near Quebec, being of sound mind and memory, &c., do make and publish this my last will and testament, hereby revoking all and every other will heretofore made.

"*Imprimis*,—I hereby direct" (this relates to his funeral.) "Secondly,—Having every reason to be content with the conduct, affection and duty of my dear son John Caldwell, I give and bequeath to him all my estates real and personal, all my just debts being first paid, and subject to such legacies, bequests and limitations as are hereafter mentioned and provided for, viz.:

"And first: it is my will that my grandson Henry, or such other of my grandsons that may hereafter be born in wedlock, and whom my said son John may consider as most deserving, shall inherit the seigniority of Lauzon entire without any diminution. The remainder of my real estate I leave to my said son John, at his disposal, trusting that he will be a good steward for the benefit of his children, which, however, will be considered as subject to my other legacies as aforesaid."

That next follow several particular legacies, after which the will ends thus:

"Item.—I leave to my good friends, Colonel and Mrs. Barnes, Miss Christian Nairn, Edward Bowen, Esq. Attorney-general, and Mrs. Bowen his wife, 20*l.* currency, each, to buy a ring in memory of their friend. Item.—To Doctor James Davidson, whatever sum he may be in my debt at the time of my decease, and also 20*l.* currency. Item.—I leave also to William Hamilton, nephew to my late dear wife, 20*l.* currency, as a testimony of my regard, and to purchase a ring in remembrance of me. Item.—I leave to the poor who, in the course of the winter, have been in the habit of receiving from me a weekly allowance, to each 40*s.* Item.—I leave to my dear niece, Eliza Caldwell, daughter of my late brother, Sir James Caldwell, 100*l.* sterling, as a mark of my regard and affection. And whereas, my dear brother Charles Caldwell, a lieutenant in His Majesty's navy, died in the year 1776, in low circumstances, leaving his widow and an only daughter, whose christian name I do not remember; and whereas I take blame to myself at never having taken proper steps to inform myself of the situation and circumstances of that his said daughter, it is my will, desire and request that my said son may cause inquiry to be made respecting his said daughter, and if alive, or has left any family, that she or they may receive the sum of 200*l.* sterling; she, if alive, the whole."

That the testator died at Belmont, in Canada, on the 28th of May 1810, and his will was duly proved before the Honourable Mr. Justice Williams, one of the Justices of the Court of King's Bench in Quebec, and registered in the book of probates at the suit of the respondent John Caldwell, the testator's only son, on the 5th of June in the same year; whereupon the said John Caldwell took possession of his deceased father's estate, and particularly of the seigniority of Lauzon, of which he has ever since remained in possession. That, on the 17th of March 1826, a writ of execution was sued out of the Court of King's Bench at Quebec, by the Attorney-general of Lower Canada, against the lands and tenements of the