

hereinbefore described, and that the same be rendered and delivered up to our said Lord the King ; and it is further considered and adjudged that our said Lord the King do recover his costs from the said Jean Baptiste Laporte.

PERRAULT & BURROUGHS,
B. B. R.

No. 6.

Province of L. Canada, } The 30th July, 1840.
Court of Appeals. }

THE URSULINE NUNS OF QUEBEC, Appellants ;
and

THE ATTORNEY GENERAL, *pro Regind*, Respondent.

THE Court having heard the parties by their Counsel, examined the Record and proceedings and deliberated thereon, It is considered that inasmuch as by the report of the Survey of William Saxe, referred to in the Judgment of the Court below of the twentieth day of April, eighteen hundred and thirty-one, it appears that there is a space between the Cape Diamond and high water mark in the River St. Lawrence which the Crown cannot claim as the soil of the Tide-water, and whereof the Appellants have been legally in possession from time immemorial, under titles which it was not the object of the information to try, the Judgment of the Court below has by awarding all the depth of land from low water mark to Cape Diamond, adjudged to the Crown more than ought to have been held and considered as its property, and the Judgment of the Court below is therefore in this respect reversed :—and this Court giving the Judgment which the Court below ought to have rendered, It is adjudged and declared that all the land between Low-water mark of the premises described in the said Judgment and the place designated in the plan of William Saxe therein referred to by a line with