

Papers relative to this subject, as well as the proofs adduced in support of this claim, and having also heard all that the Counsel for the Petitioners could urge in their favour, we have at length the honor to report to you our joint opinion for the information of His Excellency the Governor in Chief. But in our own justification, we beg to remind you, that it has been at the desire of the Petitioners themselves, that our Report has been so long withheld.

The facts which the Petitioners alledge in support of their claim are, in substance, as follows:—That in 1651 the place called Sillery, consisting of one league in front by four in depth, was granted by the French Crown to the Jesuits in trust for the Ancestors of the Petitioners; that in 1699, part of the above mentioned concession, viz :—The league in front by one and a half in depth—was granted to the Jesuits in their own right, the Indians having quitted the place; that in point of Law, the latter grant could not be considered as valid, inasmuch as the Jesuits held already the lands as Trustees for the Indians: but that even admitting the validity of their more recent title, their still remained two leagues and a half in depth, to which the Indians would be entitled under the Grant of 1651.

There are in this Claim as it appears to us, and in the arguments which have been adduced in support of it, several fallacies, which we think we can shew to be such, from the various documents which it will be necessary to notice somewhat at length.

*First.*—The Petitioners seem to consider the original Grant of 1651, to have been made in favour of their Ancestors (the Huron Tribe) *exclusively*; whereas it will appear to have been made for the benefit of *all* the Savage Tribes, (*les peuples errans*) indiscriminately — *Secondly*, that grant is assumed to be unqualified and unconditional; whereas it is obvious that it was only made for the purpose of keeping the Indians together, within the limits thereby prescribed, and under the care and guidance, both temporal and spiritual, of the Jesuits; and that therefore as soon as that object was defeated, which was about forty years afterwards, the grant became null and void.

In support of our opinion upon these two points it seems only necessary to refer to the terms of the Grant of 1651, and of the Confirmation thereof in 1658.

“ La Compagnie de la Nouvelle France, désirant voir assembler les peuples errans en certains endroits, afin qu’ils soient instruits dans la Foi et la Religion Chrétienne, et ayant reconnu que quelques-uns entre eux auroient choisi depuis quelques an-