

3^o Because the defence set up by the Respondent in the Court below consists of various pretensions and allegations of fact, which, even if they were true, would constitute no sufficient answer to the action in this cause, and that moreover the Respondent has utterly failed to prove any one of them.

4^o Because there being no proof whatever of any assignment from Laporte to Baird, or of the payment of any portion of the supposed consideration therefor, the latter is a mere usurper of the rights and claim of Laporte, if any he had, and has made use of them for the purpose of effecting a surprise and a fraud upon the Crown.

5^o Because the bringing of the information on the part of the Queen, immediately after the issuing of the Letters Patent, is a solemn protest on the part of the Government to the effect that it was so surprised and imposed upon.

6^o Because by the bringing of the Information in the name of the Queen the matter in contestation becomes *res integra* between all the parties, and that the Respondent's pretended claim derives no force from his possession of a Patent for a few days.

7^o Because the absence of such proof of assignment deprives the Respondent of all the equities which he pretends to have derived from Laporte, if Laporte had any; and that the absolute failure of Baird himself to fulfil any of the conditions of the grant which he alleges to be so beneficial to the public and the proprietors in and around Cap-Blanc, leaves him without any to urge on his own behalf.

8^o Because in addition to the indefeasible Common Law right of the Nuns as riparian proprietors to a grant in preference to all others, the equity of their claim is greatly enhanced by the fact of the undisturbed possession by them for nearly two centuries, under title emanating from the Crown of France, of the right of fishery over the beach in question, of which they have been despoiled without any equivalent.

9^o Because by the evidence in the cause it abundantly appears, that the forced intrusion of the Respondent, by means of his Patent, between the Nuns and the beach and waters of the St. Lawrence, has greatly deteriorated, if it has not rendered altogether valueless the property held by the latter on the shore of the said River.

Because from the entire absence of any facts in evidence to sustain any one of the Respondent's allegations, and upon a review of the whole case, it is most manifest that the said Letters Patent were granted to him without any precise knowledge of the facts of the case, or of the claim or the merits of the applicant, and without any notification to the Nuns of such application, or any opportunity afforded them of urging their rights in opposition thereto, and that the whole was the result of a conspiracy to defraud the Nuns of their just rights by procuring surreptitiously, Letters Patent in favor of an intruder, who had no claim himself or any shadow of a right derived from another.

Respectfully submitted.

For the Atty. General,

DUNBAR ROSS,

Q. C.

Quebec, 10th. September, 1899.