

"Lady the Queen hereby demands the process of this Honorable Court to compel the said Ebenezer Baird to be and appear in this Honorable Court on Monday the twenty fourth day of April instant to answer and make his defence to this Information and to shew if he has or knows any thing why the said Letters Patent and the enrolment thereof for the reasons aforesaid ought not to be cancelled, vacated and annulled and restored to our said Lady the Queen in Her said Court now here to be cancelled, and further to do and receive concerning the premises whatsoever the said Court shall consider in this behalf; and the said Attorney General for Our said Lady the Queen prays that by the Judgment of the Court here the said Defendant be ordered to bring and produce before the Court here the said Letters Patent and that the same be and be declared to be repealed, cancelled, vacated, annulled and set aside to all intents and purposes whatsoever."

With this information the Letters Patent therein mentioned were filed.

The first plea filed to this information was an exception as to form. This was overruled.—The next plea was a demurrer with an assignment of causes which are as follow :

First. There is no legal right of action in Her Majesty for the causes in the said information set forth, and, by the law of the land, neither Her Majesty nor any of Her subjects can sue in Her name for rights which may belong to third parties; and it is not competent to the Reverend Ladies Ursulines of Quebec, in the said information named, to sue in the name of the Crown, but any right of action that they may have, must be exercised by themselves personally and in their own name.

Secondly. There is no complaint in the said information for any cause or causes of action accrued to Her Majesty.

Thirdly. The Reverend Ladies the Ursulines of Quebec by the law of the land must and ought to sue in their own name for the preservation of any rights they may have and must, in common with all Her Majesty's subjects, resort to the Courts of justice for redress where injury is sustained.

Fourthly. There is no injury alledged in the said information to have been suffered by reason of the granting of the Letters Patent therein referred to, and it is not shewn how the granting thereof has, in any particular whatever, injured Her Majesty or the said Reverend Ladies Ursulines of Quebec.

Fifthly. The granting of the said Letters Patent has no further or greater effect than that of substituting the Defendant in the place of Her Majesty, who, and whose officers, could have been restrained from interfering with the rights of any of Her Majesty's subjects. In like manner the Defendant can be restrained from interfering with any legal rights of the said Ladies Ursulines of Quebec, as Riparian proprietors, supposing them to have any.

Sixthly. There is no one act complained of in the said information that can prejudice the said Ursulines Nuns or Her Majesty.

Seventhly. It is not shewn how Her Majesty was precluded from making the grant by Letters Patent in the said information mentioned to the Defendant in the said cause, and how it is that the Ladies Ursulines Nuns enjoy higher privileges, immunities and rights than other Corporations and other Her Majesty's subjects in general, or how it is that the Defendant is not entitled to the same rights as other Her Majesty's subjects to receive grants of land on the river St. Lawrence.