

PROVINCE OF CANADA, }
Lower Canada.

IN THE QUEEN'S BENCH.
APPEAL SIDE.

No.

Julie Léocadie Defoy,

(Defendant in the Court below;)

APPELLANT,

and

Ambroise Légaré, & al.,

(Plaintiffs in the Court below;)

RESPONDENTS.

CASE OF THE APPELLANT.

THE present Appeal has been instituted to obtain the reversal of a judgment rendered in the Circuit Court in and for the District of Quebec, by Mr. Justice Stuart, condemning the Defendant to pay to the Plaintiffs the sum of £19 10 5½ with interest and costs.

The circumstances under which that amount was claimed to be due, are as follows:

"Mrs. Lecourt, (Dame Julie Léocadie Defoy, the Defendant in the Court below and the present Appellant,) being desirous of obtaining a small piece of ground stocked with firewood, purchased from the Plaintiff in the Court below and present Respondents, the lot of land described in the deed of sale in this cause filed, dated the 9th September 1859, as lot No. 7. Before buying it, her son, Mr. Lecourt, who acted as her agent in this matter, visited the lot shewn to him by the said Respondents and with which he was quite satisfied. Some time afterwards, having ascertained that persons were cutting down timber on the lot in question without his, or his mother's permission, he proceeded to the place and there found several individuals so employed who, to his no small surprise, informed him that the lot shewn him by the Respondents and by them sold to his mother, belonged to a man of the name of Magwood who owned it under a Sheriff's title, and that it had never belonged to, or been in the possession of the said Respondents. Thereupon, Mr. Lecourt went to the Respondents and re-nonstrated with them on their conduct towards his mother in thus selling her a property which was not theirs. This they denied, and, as is established by the evidence of Poulin the Appellant's witness, they subsequently pretended to make the Appellant a formal delivery of the same piece of ground they had, previously to the sale, shewn her son and which it has since been made to appear is not, and never has been, lot No. 7, but is a lot known as No. 6. The lot which in reality is lot No. 7, is perfectly worthless, is not the lot