

" the said Company of New France a Certificate by the return of the " first vessels."

There being no ungranted Land which answered this description, Mr. Giffard, named in the first grant, obtained a second grant not of any specific Tract of Land, but generally as near as possible out of waste lands either on the north or on the south, as they shall be designated by Mr. de Montmagny, Governor of Quebec, to have, hold, and enjoy the same, &c. &c. &c.

Now, until the designation mentioned in the said last grant was made, no property was conveyed by it. It was in truth rather a promise to grant a certain quantity of Land than an actual grant of any specific tract.

From the manner in which location was made of the Seigniorship of St. Gabriel, two and a half leagues in length by the whole breadth of the Seigniorship of Sylleri were cut off from that Seigniorship, and it would appear to be for this reason that the Jesuits describe the Seigniorship of Sylleri as being only one and a half leagues in depth.

If, previous to the donation by Mr. Giffard to the Jesuits in 1699, a claim had been set up by him to this dismemberment of the Fief of Sylleri, it would have seemed liable to have received the answer that they had been in possession of the entire Fief for more than half a century, under the grant of the 11th March 1651, and the formal taking of possession on the 13th of the same month, and that the title to Mr. Giffard of the 15th day of May 1647, could not be opposed to them unless he shewed that the designation required by that title had been made in due form of law previous to the 11th March 1651.

The Jesuits whether looked upon in the light of Tutors or of Administrators of the Indians were the depositaries of their Titles, and bound to maintain their rights against the whole world. If there were a flaw in these Titles, (which does not appear to have been the case) it was not competent to them even to buy up a better title to part of the Estates of the Indians for their own use, and to the prejudice of their pupils or principals. And if, as on the present occasion, they obtained a donation of portions of Land whereof they had the administration, that donation could not legally or equitably enure to them for their own benefit, but must enure to them for the benefit of their pupils or principals.

The above mentioned Titles to the Fief St. Gabriel and Beauport whereof it purported to be an augmentation, will be found in the Appendix to this Report under the Letter (E.)

In the year 1797, the last of the Jesuits having then departed this life, the Huron Indians presented a Memorial to His Excellency Sir Robert Prescott, in which they stated the claims now under consideration.

His Excellency was pleased to refer this Petition to the then Attorney General, who made a Report unfavorable to the claims of the Hurons.

The Report of the Attorney General, as well as the answer given by General Prescott to the Hurons, will be found subjoined to this Report.

The Huron Indians having obtained a Copy of this Report, and dis-