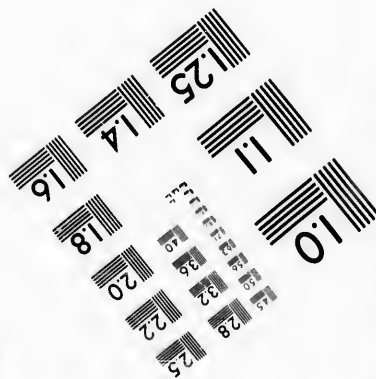
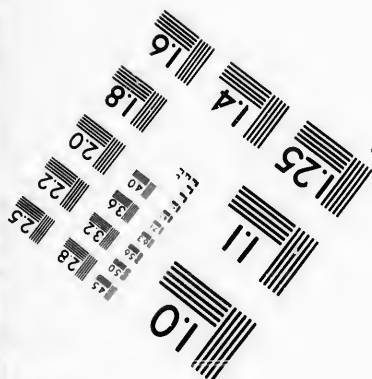
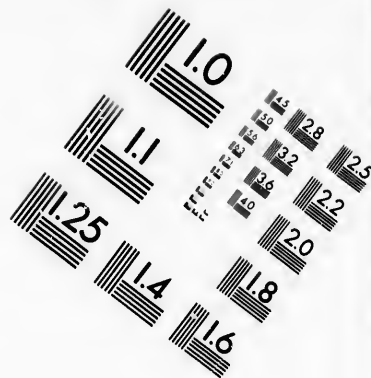




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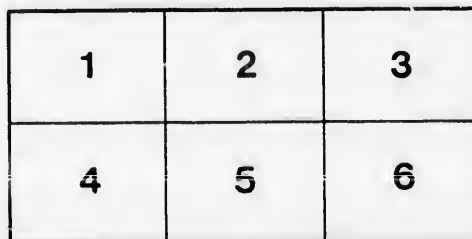
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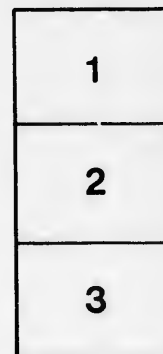
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BERNARD ANTOINE PANET,.....APPELLANT.

and

DANIEL ARNOLDI,.....RESPONDENT.

THE RESPONDENT's CASE.

This Appeal

originates in an Inscription *Et Moyens de faux* made by the Appellant, in the Court of King's Bench, for the District of Montreal, against a Deed of Sale of a certain Farm and Premises by the Respondent to the Appellant, duly made and executed before Thomas Barron and Henry Griffin, Esquires, Public Notaries, duly admitted for the Province of Lower-Canada, and bearing date the 29th day of August, 1815; on which Deed of Sale the Respondent had on the 27th August, 1819, instituted an action against the Appellant to recover the sum of £500 Currency, being the balance of an Instalment of the purchase money long before due, together with the interest accrued thereon.

The *Moyens de faux* which were offered by the Appellant, in the Court below, to invalidate the Deed of Sale, are two :—

1st. " Because the Allegations on the face of the Deed of Sale, of
" the Appellant and Respondent, the contracting parties, being present
" before the said Notaries at the time of passing the same, and that the said
" Act or Deed was made and passed at Montreal, in the Office of Mr.
" Barron, in the presence of the said Notaries, are false; and also that it is
" falsely stated in the said act that the contracting parties signed the said
" Act with the said Notaries, and in their presence *lecture faite*, the said
" Appellant alleging and offering to justify that the said Henry Griffin
" was not present at the passing of the said Act; but that on the contrary,
" the said Act was made and passed in the absence of the said Henry
" Griffin, but that the said Henry Griffin signed the same *En second* in
" the absence of the contracting parties, the said Appellant averring by
" the Laws in force in this Province, *the said Henry Griffin could not so*
" *sign*."

2d. " That the said Deed of Sale is false, because it is falsely alleged
" in the Declaration of the Respondent, that the Land sold was free of
" all incumbrances whatsoever, whereas on the contrary the said Appellant
" alleges that the said Land was at the time of passing the said Act,
" hypothecated for the payment of certain sums of money."

In support of the last *Moyen*, the said Appellant filed a certain claim for £149—1—4, pretended to be due to the Seminary of Montreal.

The answers to these *Moyens*, by the Respondent in the Court below, are that the two *moyens* above recited were impertinent, inadmissible and insufficient.

On the 13th of April, 1820, after every endeavour on the part of the Appellant to retard a hearing, the parties by their counsel were heard on the *Moyens de faux*; and, on the 17th of the same month, the Court below upon a point so plain concurred in opinion with the Respondent and by its judgment declared the *Moyens de faux* "*impertinens et inadmissibles*," and adjudged in consequence, that they should be rejected, condemning the Appellant to the costs. From that Judgment the present Appeal has been brought and one general reason is assigned, "*That the Judgment is contrary to Law and Practice*." A general answer has been filed by the Respondent, and the cause now stands for hearing on the ground of Appeal mentioned.

Quebec, 24th July, 1820.

