

PROVINCE OF CANADA, }
DISTRICT OF MONTREAL. }

SUPERIOR COURT.

for Lower Canada

Saturday the twenty sixth day of November
One thousand eight hundred and fifty three

PRESENT:

THE HONORABLE Mr. Justice Smith
" " Mr. Justice Vanfelson
" " Mr. Justice Mondelet

No. 1154

EX-PARTE, on the Application of James
Powley Dawes, of the Parish of St. Michel
de la Chaine, Brewer

for a Judgment of Confirmation.

of his Title Deed, and
Narcisse Couparé dit Lareine, Yeoman, residing in the Parish of
Laprairie in the District of Montreal, *Opposant*
Jean Baptiste Mongenais, of the Parish of St. Magdeleine de Rigaud
in the District of Montreal, Esquire, Merchant, *Opposant*
Michel Francis Valois, of the Parish of St. Joachim de la Pointe Claire
in the District of Montreal, Esquire, Physician, *Opposant*
and *
* The Ecclesiasticks of the Seminary of St. Sulpice of Mon-
-real, in the District
of Montreal, Seigniors
of the Seigniorie of the
Island of Montreal,
situated in the said
District of Montreal
Opposants

THE COURT taking into consideration that the said James
Powley Dawes

did, on the second day of April One thousand eight hun-
dred and fifty three lodge in the Office of the Prothonotary of the said Superior
Court, in the District of Montreal, a Deed made and executed before M^{rs} E. Guay
and his Colleague, Notaries Public, on the first
day of April one thousand eight hundred and fifty three
between Charles Renaud dit Deschamps, Yeoman
of the Parish of St. Michel de la Chaine, in the District of
Montreal, and Dame Celanie Boyer, his wife, whom he
authorizes to the effect of the said Deed, of the one part; and
James Powley Dawes, Brewer, of the said Parish of
St. Michel de la Chaine, in the said District of Montreal
of the other part; Being a sale by the said Charles
Renaud dit Deschamps and Celanie Boyer, his
wife to the said James Powley Dawes of a farm
situate at the said Parish of St. Michel de la Chaine, in
the said District of Montreal, containing about eighty
arpents in superficies, that is, about two arpents and
a quarter in front by about thirty seven arpents in
depth or thereabouts, the whole more or less, without
any warranty as to precise measurement, such as
the same is, belonging to the said Vendors, the said
Farm or lot of land being rather irregular and
varying in its breadth, bounded the said Farm in
front

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-real, in the District
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here

M^{rs} E. Guay
Notaire Public
Montreal le 9^{me} Avril 1853
Am^{re} Blanc H^{re}re.
J^{rs} Comte,
Notaire

" front by the Lachine Railroad, now called the Montreal
" and New York Railroad, in rear by the Decaries -
" on one side partly by Thomas Dawes and partly by
" the Estate of the late St. Germain, and on the other side
" by the Estate of the late M. Rae, without any buildings
" being thereon erected, with all and every the Menures
" and appurtenances thereto belonging " and
possessed the said Farm by the said Vendors as
proprietors, during the three Years last preceding this
date of the said Deed of sale and from thence hitherto
by the said James Rowley Dawes, also as proprietor.

And Further, that the said *James Rowley Dawes*

has caused to be given and published three several times in the course of four months
in the *Canada Gazette*, the public notice in that behalf required by Law of his in-
tention to make application to this Court, on the *first day of September*
one thousand eight hundred and fifty three

for a Sentence or Judgment of Confirmation of his said title Deed,

And Further, that the said Public Notice hath been publicly and audibly read
at the **Church Door** of *St. Michel de Lachine*
St. Michel de Lachine

in the said District of Montreal, being the most public place *in the said*
Parish wherein the said Farm is

situated, at the issue of or immediately after Divine Service in the forenoon, on the four
Sundays next before the said *first day of September one thousand*
eight hundred and fifty three

and that the said Notice was posted at the Door of the said Church, on the first Sunday,
on which it was read as aforesaid, as appears by the Certificates of *Simon*
Ducharme one _____ of the sworn Bailiffs of this Court.

and the Court considering that the said opposants
did within the time prescribed by Law signify in
Writing their Oppositions to and against the
Confirmation of the said Title Deed, and did
Lodge the same in the Office of the Prothonotary of this
Court

And

And the Court further considering the Summary Petition of the said *James Dowley Dawes*

made and filed in that behalf on the ^{seventeenth day of September one thousand} ~~eight hundred and fifty three~~ ^{being the day indicated by the Act} ~~eight hundred and fifty three~~ ^{eight hundred and fifty three} ~~one hundred and ninety four~~ ^{amending} and that due proof hath been adduced of the observance of all and every the formalities required by Law, and that ~~opposition~~ ^{opposition} filed with the Prothonotary of the said Court, to and against the Confirmation of the said Title Deed. *And the Court considering that the said Petitioner did deposit in the hands of the Prothonotary of this Court on the twenty fourth day of September one thousand eight hundred and fifty three the sum of four hundred and thirty seven pounds two shillings and seven pence currency, balance of the price of his acquisition of the said farm herein before described to be paid & distributed amongst the said opposants according to law,*

The Court doth **Adjudge, Order, and Decree**, that the purchase or acquisition made by the said *James Dowley Dawes*

of the said *Farm* and of all and singular the rights, members and appurtenances whatsoever thereto belonging, or in any ways appertaining, in as full and ample a manner as the same was acquired and purchased by the said *James Dowley Dawes*

under and by virtue of the said Title Deed, be, and the same is hereby confirmed.

And thereupon, that the said *James Dowley Dawes* his

heirs and assigns be and remain the incommutable proprietor and proprietors of the said *Farm*

To Have and to Hold the same unto the said *James Dowley Dawes* his

heirs and assigns for ever discharged of and from all privileges and hypothèques with which the said *Farm*

may have been encumbered previous to or at the time of the aforesaid purchase or acquisition made by the said *James Dowley Dawes*

And the Court doth **Further Order and Adjudge** that the Prothonotary of the said Court do deliver to the said *James Dowley Dawes*

the said Title Deed by *him* filed in his said Office *Twenty five words obliterated are null and the Marginal Notes good & valid*

True Copy

Wm. H. H. & W. H. H.

The Judicature Act Twelfth Victoria Chapter Thirty Eight

And their respective rights - and whereas the said sum of Four hundred & thirty seven pounds two shillings and seven pence has been by judgment of this Court rendered on the twenty seventh day of October one thousand eight hundred & fifty three awarded to the said several opposants herein before mentioned

Wm. H.

No. 1154

Superior Court,

MONTREAL.

Vermander & Co 1853

EX-PARTE

On the Application of

James J. Davies

FOR A

SENTENCE OF RATIFICATION.

Cathy
OF
JUDGMENT.

James A. W. Robertson

3/5/53