

Memorandum respecting the Seigniorie of Terrebonne

Application is to be made to M^r Planté, Inspector-General of the Kings Domain, to whom the Titles of the Seigniorie are to be communicated, in order that he may settle the amount of the Quint due to His Majesty upon the Third and last Concession of the Seigniorie, under the Sheriffs Sale. —

Copies of the Sheriffs Deed, and of the Foi & Hommage rendered by M^r Jordan, were lately transmitted to the Receiver General, who in his Letter of the 9th inst. says, he delivered them over to M^r Planté — The other Deeds accompany this Mem^dm —

A difficulty may arise in ascertaining the Quint to be paid on the Third Concession, although upon every principle of Justice it ought not to be increased beyond what was paid by M^r Jordan, as this part of the Estate has not been increased in value, either by Cultivation or improvement of any kind. —

Should M^r Planté's Statement of the Quint exceed what was paid by M^r Jordan, or appear unreasonable it will be proper that a Memorial be laid before His Ex^{ty} — the Lieut. Gov^r in order to obtain redress in the business —

When the Quint has been ascertained, it is to be paid into the hands of the Receiver General and his Receipt taken in the usual form upon the Deed of Purchase.

These steps are necessary to be taken before rendering the Foi & Hommage, which is received only after the payment of the Quint. —

J.P.

Memorandum
respecting Seignior of Terreborn



My dear Sir

Montreal 1st October 1832.

I duly received your letter in July last, and that of the 28th ult^o — as in the former you proposed having an interview with me after my return from Quebec, I deferred writing until I should hear further from you. — In regard of what you mention in your letter of the 28th ult^o I would only observe, that it has all along been matter of surprise to me, why Mrs Plenderleath and her agents in this Country had delayed so long taking steps to bring the Seigniorie of Terrebonne to sale, as she is the person whose interest must suffer the most by that delay. — The sale that the Executors made to you of that Estate was calculated to meet the whole of Mrs Plenderleath's claims, and was beneficial to all parties, it was done by my advice, and I have seen no cause to alter my opinion since; — but the Court of Appeals having set aside that sale on the principle that the Executors had no power over the real Estate, they in consequence ceased to take any interest in what regarded Terrebonne, and you are well aware how much it has declined in value since — had it been sold immediately after that decision, Mrs Plenderleath's annuity could even then have been secured without difficulty. — What Mrs Plenderleath's views or expectations may have been by allowing

So many years to elapse without receiving her annuity, I cannot well conceive, for she must have been aware from the proceedings had in Court in regard of the Testator's personal Estate in the hands of M^r Jarvis M^r Gillivray & C^o. that that fund was exhausted, except a mere trifle, for which her claim now stands before the Court; her security therefore was the Estate of Terrebonne, and I frequently advised the late M^r Sewell her attorney, to bring this property to sale without delay, but he seemed not to be explicit with me on the subject, and to hesitate as if he had other views — I therefore ceased to press the matter — but if the revenue of this Estate is to be absorbed, or nearly absorbed in expenses — where is this to end? — it must be evident to every one that the sooner the Estate is sold, the better it must be for all who have an interest in it — The only question that ought now to remain, is, as to the most advantageous course to be adopted for selling the Estate — I am not sufficiently acquainted with all circumstances to offer any opinion, nor do I know any person who can better advise M^r Plenderleath's agent in this respect than yourself — It will be gratifying to me to see the business satisfactorily closed, as it has always been my anxious wish that every justice should be done to the widow and children of my respected friend the late M^r Jarvis, as far as I have been concerned —

Believe me to be, My Dear Sir

Yours faithfully
J. Reid

The Hon.

Rock McKewie, Esq
Terrebonne

The Hon^{ble}

14

Roderick M. Kenzie, Esq

Terrebonne.

Went on to New Orleans
in September & arrived
here 17th Dec 1832



Dr. J. J. Kenzie
17th Dec 1832

Montreal, 12th August, 1816

My dear Sir !

Since the sale of the Seigniory I have heard little respecting the Halls although I understand there is one of them still in town:- he has said that if he cannot find a property to suit him in this province he will remove with his family to England; but whether he has still any views on Terrebonne or not I cannot say. I am, however, of opinion that things must not be allowed to go to ruin, and that the object you mention of preparing the necessary timbers for the Mills, ought to be attended to without delay, because, whether the Estate be sold or not, this ought to be done. It will be well, I think, that you should assume the superintendance of whatever may be done in this respect, as the opinion of your having become the purchaser must be kept up for sometime at least. In order to ascertain the nature and extent of the necessary repairs, it will be proper that some statement of them should be made by some person of competent knowledge, that the executors may be advised how far they can be warranted in advancing money to the extent required:- Mr. Oldham, I think, would be a proper person to give us this statement, if he will take that trouble.

I have no doubt, but that the people about Terrebonne were much gratified in the idea that you had purchased the Estate, and this for many obvious reasons, as they are not much disposed to see a stranger among them as their Seigneur, and I therefore take it, their congratulations were sincere - and had you really been the purchaser I should, very readily, have joined them, for I long Thought you were the fittest person to own that Estate, and should be very glad to see you the proprietor of it.

Mrs. Reid joins in best respects to Mrs. MacKenzie and you, with him who has the honor to be - yours, very truly -

Signed - Js. Reid.

Roderick MacKenzie, Esquire
Terrebonne.

Montreal, 12th August, 1816

My dear Sir !

Since the sale of the Seigneiory I have heard little respecting the Halls although I understand there is one of them still in town:- he has said that if he cannot find a property to suit him in this province he will remove with his family to England; but whether he has still any views on Terrebonne or not I cannot say. I am, however, of opinion that things must not be allowed to go to ruin, and that the object you mention of preparing the necessary timbers for the Mills, ought to be attended to without delay, because, whether the Estate be sold or not, this ought to be done. It will be well, I think, that you should assume the superintendance of whatever may be done in this respect, as the opinion of your having become the purchaser must be kept up for sometime at least. In order to ascertain the nature and extent of the necessary repairs, it will be proper that some statement of them should be made by some person of competent knowledge, that the executors may be advised how far they can be warranted in advancing money to the extent required:- Mr. Oldham, I think, would be a proper person to give us this statement, if he will take that trouble.

I have no doubt, but that the people about Terrebonne were much gratified in the idea that you had purchased the Estate, and this for many obvious reasons, as they are not much disposed to see a stranger among them as their Seignior, and I therefore take it, their congratulations were sincere - and had you really been the purchaser I should, very readily, have joined them, for I long Thought you were the fittest person to own that Estate, and should be very glad to see you the proprietor of it.

Mrs. Reid joins in best respects to Mrs. MacKenzie and you, with him who has the honor to be - yours, very truly -

Signed - Js. Reid.

Roderick MacKenzie, Esquire
Terrebonne.

Copies de lettres qui se trouvent dans le Dossier Mc Tarrish

Montreal, 9th December, 1817

My dear Sir !

I understand from Mr. McGillivray, that you hold a power of Attorney from Mr. William McTavish, to represent him in this country, but that you do not mean to act under it, at least for any length of time. This I shall regret, because I know no man better qualified for the trust than yourself, and there are besides, reasons which I think ought to induce you to continue to act for him. You know better than most people The true state of William's interests in this country, that the endeavours of the executors have been throughout to save what they could for him from his father's Estate; and although the judgement already given touching the distribution of the Assets in the hands of the Executors has been through their exertions rendered upon the most advantageous principles for William, yet management will still be requisite to make the most of what remains. I have no doubt but, that Williams will be anxious to turn every thing here into money he conveniently can without consideration of consequences and much must depend upon the management and prudence of his Attorney. William being now of age is entitled to enter upon the immediate possession of the farm at the mountain, being part of the entailed property, and as residuary legatee, he may claim a right to sell and dispose of the real Estates not yet sold, such as the houses at Terrebonne and Township of Dorset; and although the proceeds of these must go to pay the legacies, yet these can be no reason why they ought to be sacrificed to satisfy the anxiety of Mr. William:- Suppose for a moment that William were to appoint, as his Attorney, a person of a different way of thinking from yourself, a man who has no feeling for the interests of either party, further then to gratify William's main object of realizing what he can in Canada, I leave you to judge of the consequences. William may be easily advised to create a great deal of trouble to his friends here by persons who do not understand his interests or who do not wish to understand them. It has even been said by some of our lawyers here that a great question might be raised whether the Executors had the power to sell the Seigniorie of Terrebonne under the will. It is certainly very easy for these gentlemen to raise doubts and questions about the clearest matter and although the sale of that Estate has been made with every precaution and to the best advantage, yet it might be considered a fine thing to tell William McTavish that the sale was good for nothing,

and that he might sell it over again. Such advice could produce only litigation and expense without any benefit to either party, and it is therefore right that Mr, William's attorney in this country should be a prudent man.

There is one object in which William is very particularly interested, and which will soon come under discussion, which is, an appeal from the judgement of distribution above noticed, which Mr. Simon McGillivray, as Guardian to Anne and Simon McTavish has been directed to institute under an order of the Master of the Rolls. Of this you, as Attorney of William will have official notice some day given you, and when you next write to William, I think it would be right to intimate to him the necessity of resisting this appeal, for should it be allowed, he is without the hope of ever getting a sixpence from his father's Estate in Canada. The Executors have no interest in this question, and will, of course be at no expense. All things considered I hope you will not decline to act under William's power of Attorney: it cannot give you much trouble, but in improper hands much trouble might arise from it.

Accept my best respects, and believe me to be, My dear Sir, your's very truly,

signed Js. Reid

Roderick MacKenzie
Esquire
Terrebonne.

Montreal, 9th December, 1817

My dear Sir !

I understand from Mr. McGillivray, that you hold a power of Attorney from Mr. William McTavish, to represent him in this country, but that you do not mean to act under it, at least for any length of time. This I shall regret, because I know no man better qualified for the trust than yourself, and there are besides, reasons which I think ought to induce you to continue to act for him. You know better than most people the true state of William's interests in this country, that the endeavours of the executors have been throughout to save what they could for him from his father's Estate; and although the judgement already given touching the distribution of the Assets in the hands of the Executors has been through their exertions rendered upon the most advantageous principles for William, yet management will still be requisite to make the most of what remains. I have no doubt but, that William will be anxious to turn every thing here into money he conveniently can without consideration of consequences and much must depend upon the management and prudence of his Attorney. William being now of age is entitled to enter upon the immediate possession of the farm at the mountain, being part of the entailed property, and as residuary legatee, he may claim a right to sell and dispose of the real Estates not yet sold, such as the houses at Terrebonne and Township of Dorset; and although the proceeds of these must go to pay the legacies, yet there can be no reason why they ought to be sacrificed to satisfy the anxiety of Mr. William:- Suppose for a moment that William were to appoint, as his Attorney, a person of a different way of thinking from yourself, a man who has no feeling for the interests of either party, further than to gratify William's main object of realizing what he can in Canada, I leave you to judge of the consequences. William may be easily advised to create a great deal of trouble to his friends here by persons who do not understand his interests or who do not wish to understand them. It has even been said by some of our lawyers here that a great question might be raised whether the Executors had the power to sell the Seigniorship of Terrebonne under the will. It is certainly very easy for these gentlemen to raise doubts and questions about the clearest matter and although the sale of that Estate has been made with every precaution and to the best advantage, yet it might be considered a fine thing to tell William McTavish that the sale was good for nothing,

and that he might sell it over again. Such advice could produce only litigation and expense without any benefit to either party, and it is therefore right that Mr. William's attorney in this country should be a prudent man.

There is one object in which William is very particularly interested, and which will soon come under discussion, which is, an appeal from the judgement of distribution above noticed, which Mr. Simon McGillivray, as Guardian to Anne and Simon McTavish has been directed to institute under an order of the Master of the Rolls. Of this you, as Attorney of William will have official notice some day given you, and when you next write to William, I think it would be right to intimate to him the necessity of resisting this appeal, for should it be allowed, he is without the hope of ever getting a sixpence from his father's Estate in Canada. The Executors have no interest in this question, and will, of course be at no expense. All things considered I hope you will not decline to act under William's power of Attorney: it cannot give you much trouble, but in improper hands much trouble might arise from it.

Accept my best respects, and believe me to be, My dear Sir, your's very truly,

signed Js. Reid

Roderick MacKenzie
Esquire
Terrebonne.

Three Rivers, 24 January, 1819

My dear Sir !

The object of contest between you and the Executors of the late Mr. McTavish ought not to excite in your mind apprehensions of difficulty or misunderstanding between you and them, as I consider the suit about to be instituted against you as an amicable suit on all sides, which cannot lead to a very lengthy discussion nor heavy expense. Indeed I should have no difficulty to meet your wishes in taking back the Estate, could we be warranted in so doing; but this is impossible without incurring a responsibility which we cannot assume. Whatever course the Court may direct to be taken, it is impossible that you can be a loser. On this point we can have no discussion, as what you demand appears reasonable, and what we are looking for is to proceed in such manner as to exonerate us from future claims and difficulties. If you are willing to keep the Estate on the conditions at which it has been adjudged to you, it will be right that you should say so, and leave to the Court to determine as to the steps to be taken to render that adjudication valid, or, if this cannot be done, then to proceed to another sale.

Should you feel no objections to communicate the points of Defense you mean to raise, I should very readily give you my ideas how far we can accede to them, for we can have no interest in raising or maintaining any contest on the subject.

I hope you will have a quiet session and dispatch a great deal of business. Should Mr. Foucher's trial come on, it will break in upon you very much.

With best respects, believe me to be,

My dear Sir,

Your's very truly

signed Js. Reid

The Hon. R. MacKenzie, Esquire
Quebec.

Three Rivers, 24 January, 1819

My dear Sir !

The object of contest between you and the Executors of the late Mr. McTavish ought not to excite in your mind apprehensions of difficulty or misunderstanding between you and them, as I consider the suit about to be instituted against you as an amicable suit on all sides, which cannot lead to a very lengthy discussion nor heavy expense. Indeed I should have no difficulty to meet your wishes in taking back the Estate, could we be warranted in so doing; but this is impossible without incurring a responsibility which we cannot assume. Whatever course the Court may direct to be taken, it is impossible that you can be a loser. On this point we can have no discussion, as what you demand appears reasonable, and what we are looking for is to proceed in such manner as to exonerate us from future claims and difficulties. If you are willing to keep the Estate on the conditions at which it has been adjudged to you, it will be right that you should say so, and leave to the Court to determine as to the steps to be taken to render that adjudication valid, or, if this cannot be done, then to proceed to another sale.

Should you feel no objections to communicate the points of Defense you mean to raise, I should very readily give you my ideas how far we can accede to them, for we can have no interest in raising or maintaining any contest on the subject.

I hope you will have a quiet session and dispatch a great deal of business. Should Mr. Foucher's trial come on, it will break in upon you very much.

With best respects, believe me to be,

My dear Sir,

Your's very truly

signed Js. Reid

The Hon. R. MacKenzie, Esquire
Quebec.

Montreal, 19th February, 1819

My dear Sir !

The business of the term has prevented my acknowledging your last letter sooner, and since I received it, I have been revolving in my mind what course could be taken to meet your ideas without affecting in any material point what has been executed between us. Supposing then that we should be means of a judgement effect a Sheriff's sale of the Seigniorie, so as to give a clear title to the purchaser on the conditions of our deed to you. Will you undertake to bid the Estate up to the same sum you agreed to pay us ? And in case you become the purchaser, that all things shall remain in the state the now are, without affecting, in anywise, our contract, which shall be considered, as between us, binding in every respect. The only alteration being that of giving you a new title to the Estate. This will bring matters to a short close, and without any discussion with you, I only think that in this case, you ought to participate in the expense, say for one half, as I am not clear, that we are justifiable in charging any part of it to the Estate.

Mr. Stuart is now busy in preparing the suit, which will be entered this term. I will thank you to intimate to me your opinion on this point as soon as you can, as it may occasion a change in the course to be adopted.

Your's very truly

signed Js. Reid.

The Hon^d R^d MacKenzie
Esquire.

Montreal, 19th February, 1819

My dear Sir !

The business of the term has prevented my acknowledging your last letter sooner, and since I received it, I have been revolving in my mind what course could be taken to meet your ideas without affecting in any material point what has been executed between us. Supposing then that we should by means of a judgement effect a Sheriff's sale of the Seigniory, so as to give a clear title to the purchaser on the conditions of our deed to you. Will you undertake to bid the Estate up to the same sum you agreed to pay us ? And in case you become the purchaser, that all things shall remain in the state they now are, without affecting, in anywise, our contract, which shall be considered, as between us, binding in every respect. The only alteration being that of giving you a new title to the Estate. This will bring matters to a short close, and without any discussion with you, I only think that in this case, you ought to participate in the expense, say for one half, as I am not clear, that we are justifiable in charging any part of it to the Estate.

Mr. Stuart is now busy in preparing the suit, which will be entered this term. I will thank you to intimate to me your opinion on this point as soon as you can, as it may occasion a change in the course to be adopted.

Your's very truly

signed Js. Reid.

The Hon^e R^t MacKenzie
Esquire.