

Annexe 3

Baux de la Compagnie de la Baie d'Hudson

Appendix
(J.J.J.)
8th August.

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SUPPLEMENTARY RETURN

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY THE GOVERNOR GENERAL, dated the 2nd JUNE, 1851, for Copies of all Titles, Leases, or Concessions made in favour of the Hudson's Bay Company, which are now in force; and of all Correspondence between the Government and the said Company, since the year one thousand eight hundred and forty-eight.

By Command.

J. LESLIE,

Secretary.

Secretary's Office,

Toronto, 7th August, 1851.

PROVINCE OF CANADA.

CHARLES BAGOT.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith. To all to whom these presents shall come, or whom the same may concern—

Letters Patent for Leasing the "King's Posts" to the Honourable the Hudson's Bay Company.

GREETING:

WHEREAS the LEASE bearing date the twenty-sixth day of July, one thousand eight hundred and twenty-two, made and executed by His Excellency GEORGE, EARL of DALHOUSIE, then Governor in Chief in and over that part of Our said Province, heretofore Lower Canada, for and in behalf of Our Royal Predecessor, King GEORGE the FOURTH, to and in favor of, John Goudie, of the City of Quebec, Ship Builder, of all those Her Majesty's Domain, Lands, and Posts situate and lying on the North side of the River Saint Lawrence, in our late Province of Lower Canada, commonly called and known by the name of The King's Posts, will expire and end on the first day of October, one thousand eight hundred and forty-two. And Whereas it has been judged expedient by our Governor in Chief in and over Our said Provinces of Canada, by and with the advice and consent of the Executive Council of and for Our said Province, that a Grant and Lease of the said Tract and Domain, Lands, and Premises, for the purposes hereinafter mentioned, should be made and executed to and in favor of the Governor and Company of Adventurers of England, trading into Hudson's Bay, and their Successors, for the term of twenty-one years, to be computed from the second day of October one thousand eight hundred and forty-two, upon the terms and conditions hereinafter mentioned. Now Know Ye, that in consideration of the rent, covenants, provisions, and agreements hereinafter reserved and contained on the part and behalf of the said

Governor and Company of Adventurers of England, trading into Hudson's Bay and their Successors, to be paid, performed, and kept, We have granted, demised, and leased, and by these presents do grant, demise and lease unto the said Governor and Company and their Successors all that certain tract or parcel of the domain lands situate lying and being on the North side of the River St. Lawrence in our said Province of Canada, commonly called and known by the name of "The King's Posts" together with all and every the wharves and buildings thereon erected and being, and all and every the appurtenances for the purposes of carrying on an exclusive trade with the Indians, at and upon the said Domain lands hereby demised and leased, and an exclusive Seal Fishery and Seal Fisheries thereat. To Have and To Hold, enjoy, and occupy the said tract or parcel of land and premises, together with the rights and privileges hereby demised and leased unto the said Governor and Company and their Successors for the purposes aforesaid, solely for and during the term of twenty-one years from the second day of October next to be fully complete and ended, but subject nevertheless as hereinafter is mentioned; The Governor and Company and their Successors paying for the same unto Us, Our Heirs, and Successors yearly, and every year during the said term, the sum of six hundred pounds currency of this Province, by equal half yearly payments, to be made on the second day of April and on the second day of October in every year, to the Receiver General in and for our said Province, at his office, or to such person as Our Governor, Lieutenant Governor, or Person administering the Government of our said Province for the time being, shall appoint to receive the same at the office of the Secretary of our said Province, whereof the first payment shall be made on the second day of April, which will be in the year of our Lord one thousand eight hundred and forty-three; the said payments and each of them to be free and clear of all and all manner of taxes, rates, assessments, deductions, or abatements whatsoever now payable, or hereafter to become payable, for or in respect of the said premises or any part thereof, and not to be in anywise diminished or abated by reason of the entering upon or taking possession of any or of the granting or conveyance of any part or portion

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of the said tract, or parcel of land, and premises for the purposes of actual settlement and cultivation, in pursuance of the proviso hereinafter contained. Provided always and the Lease hereinbefore contained is made on this express condition, that the said Governor and Company, and their Successors shall and do from the date of these presents for ever acquit, release, exonerate, and discharge us, our Heirs, and Successors, and whomsoever else it may concern, of and from the payment and reimbursement to them, or to their assigns, or to any person claiming by or through them, of the sum of one thousand eight hundred pounds currency of this Province aforesaid by them paid for the value of certain Indian debts under and by reason of certain stipulations contained in the said Lease to the said John Goudie, bearing date the twenty-sixth day of July one thousand eight hundred and twenty-two. Provided also, that if the said yearly rent hereinbefore reserved or any part thereof shall be unpaid for the space of three calendar months next after the same is hereinbefore made payable, or if the said Governor and Company, or their Successors shall neglect or fail in or be guilty of any breach, non-performance, or non-observance of any of the clauses, conditions, provisos or agreements in these presents contained, which on their parts are to be observed and kept, then and thenceforth in any of the said cases it shall be lawful for Us, Our Heirs, and Successors into the said demised premises to enter, and the same to have again as of our and their former Estate, and as if these presents had not been made or granted. Provided also that the said Governor and Company, and their Successors, for and during the continuance and until the expiration of the said Lease hereinbefore contained, shall at their own costs and charges keep and uphold the said tract or parcel of land hereby leased and demised and all and every the buildings, wharves, fences, enclosures, and other improvements and premises thereunto in anywise appertaining, save and except such parts and portions thereof as from time to time may be entered upon or taken possession of, or be granted or conveyed for the purposes of settlement or cultivation in pursuance of the proviso hereinafter contained, in good condition and repair, and shall at the expiration of the said Lease, by effluxion of time or under and by virtue of any of the conditions, limitations, or reservations hereinbefore contained, deliver up the said tract or parcel of land, buildings, wharves, fences, inclosures and other improvements in anywise thereunto appertaining to Us, Our Heirs, and Successors, in good condition and repair, and that the said Governor and Company, or their Successors, shall not by reason of any houses, buildings, erections, or other improvements made or to be made on the said tract or parcel of ground and premises, claim or pretend to any equivalent or indemnity, and that the said houses, buildings, erections, and other improvements shall thenceforth be vested in Us, Our Heirs, and Successors. Provided nevertheless and We do hereby declare our pleasure to be that nothing herein contained shall extend, or be construed to extend, to prevent the right from time to time and all times during the said term hereby demised and leased of Us, Our Heirs, and Successors, to enter into and upon and take possession of, and to grant and convey any part or portion of the said tract or parcel of land hereby demised, as We, Our Heirs, and Successors may deem expedient and the benefit of Our said Province, and of Our loving Subjects therein, may require for the purposes of actual settlement and cultivation thereof, but for no other purpose or on any other account whatever. And We do further direct that a copy of these Our Letters be made out, whereupon shall be written and executed under the Seal of the Corporation of the said Governor and Company, their acceptance of

the present grant and demise to them made, and their consent and agreement to perform the conditions therein contained, and that the said copy shall be kept by Our Secretary of Oursaid Province.

In Testimony Whereof, We have caused these Our Letters to be made patent, and the Great Seal of Our said Province of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved the Right Honorable Sir CHARLES BAGOT, Knight Grand Cross of the most Honorable Order of the Bath, one of Our most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same. At Our Government House in Our City of Quebec in Our said Province, this twenty seventh day of June in the year of our Lord one thousand eight hundred and forty-two, and in the sixth year of Our Reign.

S. B. HARRISON,
Secretary.

Provincial Registrar's Office,
Toronto, 8th August, 1851.

I do hereby certify the foregoing to be a true and faithful copy of the Record of the Original Lease.

THOS. AMIOT,
Deputy Registrar.

SPECIAL ENTRY.

SINCE the LETTERS PATENT dated the 27th June, 1842, for leasing the KING'S POSTS to the HONORABLE THE HUDSON'S BAY COMPANY were recorded in pages 401 to 404 of this Volume, the said Letters Patent have been brought back to this Office, with the following additional clause inserted therein for
REGISTRATION.

KNOW ALL MEN by these presents, that the GOVERNOR AND COMPANY OF ADVENTURERS OF ENGLAND TRADING INTO HUDSON'S BAY, by their Attorney, JAMES KEITH, of LACHINE, in the District of Montreal, Esquire, in that behalf duly authorized and empowered by the Letter of Attorney, hereunto annexed, and bearing date, under their Common Seal, the sixteenth day of May now last past, have accepted and do hereby for themselves and their Successors accept the Grant and Lease made to them by Our Sovereign Lady the Queen, in virtue of these Letters Patent upon and under all and singular the terms, conditions, reservations, and provisos therein set forth and contained, and do hereby bind and oblige themselves and their Successors to observe, perform, and fulfil all and every the obligations, matters, and things by them to be ob-

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served, performed, and fulfilled, according to the tenor and effect of the said Letters Patent.

Done at Montreal, in the Province of Canada, this sixteenth day of July, in the year of Our Lord One thousand eight hundred and forty-two.

The Governor and Company of Adventurers of England trading into Hudson's Bay,

By their Attorney,
(Signed,) JAMES KEITH.

Signed and executed in the presence of

(Signed,) Jno. Monk,
Of Montreal, Advocate;
" G. C. O. BUCHANAN,
Of Montreal, Gentleman.

Provincial Registrar's Office,
Toronto, 7th August, 1851.

I do hereby certify the foregoing to be a true and faithful Copy of the Record of the original acceptance.

THOS. AMIOT,
Deputy Registrar.

SPECIAL ENTRY.

(See pages 401 and 500 of Register Seventeen.)

To all whom these Presents shall come;

The Governor and Company of Hudson's Bay to James Keith, Esquire.

Power of Attorney to execute Lease or counterpart of the King's Posts in Lower Canada.

Recorded in the Registrar's Office of the Records at Kingston, the twenty-eighth day of July, 1848, in the eighteenth Register of Commissions and Letters Patent, folio 102.

S. A. ROCKE,
Registrar.

THE GOVERNOR AND COMPANY OF ADVENTURERS OF ENGLAND TRADING INTO HUDSON'S BAY, send Greeting:

WHEREAS the said Governor and Company are now seized or possessed of and in certain Domain lands and Posts situate and lying on the North side of the River Saint Lawrence, in the Province of Lower Canada, commonly called and known by the name of the KING'S POSTS, under and by virtue of a certain Indenture of Lease and Demise bearing date the twenty-sixth day of July, One thousand eight hundred and twenty-two, made and executed by His Excellency GEORGE, EARL OF DALHOUSIE, then Governor in Chief in that part of the Province of Lower Canada, for and in behalf of His late Majesty KING GEORGE THE FOURTH, to and in favor of John Goudie, of the City of Quebec, Ship Builder, for a term which will expire on the first day of October, One thousand eight hundred and forty-two, subject to the yearly rent and to the several covenants, provisions, and agreements in the said Indenture of Lease contained: And whereas it has been judged expedient by the Governor in Chief of the said Province of Canada, by and with the advice and consent of the Executive Council of the said Pro-

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vince, that a Grant and Lease of the said Tract and Domain Lands and Premises, for the purposes therein mentioned, should be made and executed to and in favor of the said Governor and Company, and their Successors, for the term of twenty-one years, to be computed from the second day of October, One thousand eight hundred and forty-two, at the rent and subject to the several covenants, provisions, and stipulations in the said Indenture of Lease to be reserved and contained. And whereas the said Governor and Company are desirous of appointing a proper person as their Attorney, for the purpose of executing the said Grant and Lease to be made and executed as aforesaid, or the counterpart thereof on their behalf, and to invest their said Attorney with the powers and authorities for that purpose hereinafter contained. Now these presents witness that the said Governor and Company, for divers good causes and considerations them therunto moving, have made, ordained, nominated, constituted, and appointed, and by these presents do make, ordain, nominate, constitute, and appoint, and in their place and stead put JAMES KEITH, of the place called Lachine, in the District of Montreal and Province of Lower Canada, Esquire, their true and lawful Attorney for them the said Governor and Company, and in their name to accept of and enter into, make, seal, deliver, and execute the Act and Deed of the said Governor and Company with His Excellency the said Governor in Chief, for the time being, of the said Province of Canada, the said further Lease and Demise so to be made and granted of the said Tract and Domain lands and premises called King's Posts, situate as aforesaid, with all the Wharves and Buildings thereon erected and being, and all and every the appurtenances for the purposes of carrying on an exclusive trade with the Indians at or upon the said Domain lands thereby demised and leased, and an exclusive Seal Fishery and Seal Fisheries thereat for the said renewed term so to be granted as aforesaid: And generally for the said Governor and Company and in their name to do, perform, and execute all and every such further and other Act and Acts, matters and things as shall be found necessary or expedient to be done or executed in or about, touching or concerning the premises, as fully and effectually to all intents and purposes as they, the said Governor and Company, might or could do, they the said Governor and Company hereby allowing, ratifying, and confirming, and promising and agreeing to allow, ratify, and confirm all and whatsoever he, the said James Keith, as their said Attorney, shall lawfully do or cause to be done in or about the premises under or by virtue of these presents.

In witness whereof the said Governor and Company have caused their Common Seal to be hereunto affixed, the sixteenth day of May, in the year of Our Lord One thousand eight hundred and forty-two.

Sealed under the Common Seal of the within mentioned Governor and Company, and delivered by William Smith, their Secretary, pursuant to their order and appointment (being first duly stamped) in the presence of

[L. S.] Wm. G. SMITH.
By order of the Governor and Committee:
Wm. SMITH,
Secretary.

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LONDON, } I WILLIAM GREGORY SMITH,
To wit: } of the Hudson's Bay House, in the
City of London, in the service of the Hudson's Bay
Company, do solemnly and sincerely declare that the
power of Attorney above written was duly sealed
with the Corporate Seal of the Governor and Com-
pany of Adventurers of England trading into Hud-
son's Bay, and delivered on behalf of the said
Company by William Smith, the Secretary to the
said Company, in my presence, and that the Seal
thereto affixed is the proper Corporate Seal of the
said Governor and Company, and the name William
G. Smith set and subscribed as the Witness attest-
ing the execution of the said power is the proper
hand writing of me, this Declarant; And I make
this solemn declaration conscientiously believing
the same to be true, and by virtue of the provisions
of an Act made and passed in the sixth year of
the Reign of His late Majesty, intituled, "An Act
to repeal an Act of the then present Session of Parli-
ament, intituled, 'An Act for the more effectual
abolition of Oaths and Affirmations taken and made
in various Departments of the State, and to substi-
tute Declarations in lieu thereof, and for the more
entire suppression of voluntary and extra-judicial
Oaths and Affidavits, and to make other provisions
for the abolition of unnecessary Oaths.'"

Wm. G. SMITH.

This Declaration was made at the
Mansion House, London, this
17th day of May, before me,

JOHN PIRIE,
Mayor.

To all to whom these Presents shall come,

I SIR JOHN PIRIE, Baronet, Lord Mayor
of the City of London, in pursuance of an Act
of Parliament made and passed in the fifth year of
the Reign of His late Majesty KING GEORGE

the SECOND, intituled, "An Act for the more easy
recovery of Debts in His Majesty's Plantations and
Colonies in America," and also in pursuance of an
Act passed in the sixth year of the Reign of His
late Majesty KING WILLIAM the FOURTH,
intituled, "An Act to repeal an Act of the then
present Sessions of Parliament, intituled, 'An Act
for the more effectual abolition of Oaths and Affir-
mations taken and made in various Departments of
the State, and to substitute Declarations in lieu
thereof, and for the more entire suppression of
voluntary and extra-judicial Oaths and Affidavits,
and to make other provisions for the abolition of un-
necessary Oaths,'" do hereby certify that on the day
of the date hereof, personally came and appeared
before me, William Gregory Smith, named in the
Declaration hereunto annexed, being a person well
known and worthy of good credit, and who did
before me solemnly and sincerely declare to be true,
the several matters and things mentioned and con-
tained in the said annexed Declaration.

In Faith and Testimony Whereof, I, the said
Lord Mayor, have caused the Seal of
the Office of Mayoralty of the said
City of London to be hereunto put
and affixed, and the Power of Attor-
ney mentioned and referred to in and
by the said Declaration, to be here-
unto also annexed. Dated in Lon-
don, the seventeenth day of May, in
the year of Our Lord One thousand
eight hundred and forty-two.

[L. S.]

REYNAL.

Provincial Registrar's Office,
Toronto, 7th August, 1851.

I do hereby certify the foregoing to be true and
faithful Copies of the Records of the original Docu-
ments.

THOS. AMIOT,
Deputy Registrar.

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APPENDIX TO THE TENTH VOLUME

OF THE

JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA.

FROM the 20th DAY of MAY to the 30th DAY of AUGUST,

BOTH DAYS INCLUSIVE,

And in the Fourteenth & Fifteenth years of the Reign of our Sovereign Lady

QUEEN VICTORIA.

BEING THE 4th SESSION OF THE 3rd PROVINCIAL PARLIAMENT OF CANADA.

SESSION, 1851.

Printed by the Order of the Legislative Assembly.

Vol. 10.