

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1855. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1855.

18 Victoria – Chapter 54

An Act to settle and secure the title to certain Lands in the County of Kent. Passed 12th April 1855.

Preamble recites grant of land to Jean Baptiste Richard, and certain Reports and Schedules of division or ownership.

Section.

1. Report, Schedule, and Plan to be recorded in Provincial Secretary's Office.
2. Title vested in the persons named in the Schedule.

Section.

3. Certified copy of the record to be evidence.
4. Certified copy to be registered in the County of Kent, and Plan and Report filed for reference.

Whereas by Letters Patent under the Great Seal of the Province of New Brunswick, dated the sixth day of December in the year one thousand seven hundred and ninety three, certain lands now in the County of Kent were granted to Joan Baptiste Richard and others, as joint tenants: And whereas the occupiers of the said lands, representing themselves to be the owners thereof, during the Session of 1853 applied by Petition to the House of Assembly for an Act to settle their several titles, which Petition was referred to a Select Committee of the said House, who made a Report, of which the following is a copy, that is to say:—

“The Committee to whom was referred the Petition of John Davids, Joseph Jean D’Aigle, Raphael Richard, and forty nine others, French inhabitants residing on the north side of the Richibucto River and Harbour, in the County of Kent, setting forth that in the month of June 1791, Baptist Richard, Thomas Babin, Lewis Richard, and several others, natives of Canada, the ancestors of toe Petitioners, and the original proprietors of the lands on which they now live, petitioned the then Lieutenant Governor to grant them lots on the Richibucto River, and to order the same to be laid out for them; that in the month of October 1791, it was ordered in Council that such application should he complied with, the lands to be surveyed at the expense of the applicants; that a survey was made of the out-boundings in question, as Petitioners were informed and believed, and accordingly on the sixth day of December 1793, a grant, including lands to other parties, issued of the lands in question to the applicants and others, their heirs and assigns, being the persons through whom the Petitioners now claim the same, containing eight thousand eight hundred acres, more or less, situate, lying, and being adjoining the Harbour and River of Richibucto, on the Gulf of Saint Lawrence, abutted, bounded, and described as in the first tract named in the extract of the original grant, and a copy of the original plan in the Crown Land Office, more fully appears; that the grant so issued, as it was afterwards discovered by the grantees, gave no distinct allotments by plan or otherwise to the applicants in severalty or portions, by mete bounds or portions, to enable the respective owners to lay off their lands by the aid of a Surveyor or

otherwise, as is usual in such cases, and the original parties entered thereon, occupied, and died, without any division lines of their respective rights ever having been made between them; that there are now several families on the said tract, consisting of several hundred persons, with no distinct allotment, especially of the wilderness land; that the Petitioners are placed in a most embarrassed situation, having no allotment which each individual or family can call its own, and whereon to make improvements, nor capable of resorting to the ordinary legal remedies where wrongs are committed upon them, to which they are constantly exposed that the Petitioners are consequently suffering great injury, arising from the extraordinary character of the grant, referred to, and praying that their unfortunate situation may be taken into consideration, and some provision made for dividing the lands and remedying the grievances therein complained of, report— That they have taken the circumstances of the case into their consideration, and recommend that the government should appoint, during the ensuing Summer, a competent person to investigate the matters set forth in such Petition, and the situation of the land and parties living thereon, and report for the information of this House at the next Session, and that the Government pay his necessary expenses, and this House will make provision for the same, and that the House do address His Excellency to carry out this Report.

Respectfully submitted,

R. B. Cutler,

Reuben Stiles.

Committee Room, 27th April, 1853.”

In pursuance of which Report the said House voted an Address to His Excellency the Lieutenant Governor, of which the following is a copy, that is to say:—

“Resolved, That a copy of the Report of the Committee on the Petition of John Davids and others, French inhabitants at Richibucto, as regards the defining of the bounds of an ancient grant under which they hold their titles, be communicated to His Excellency the Lieutenant Governor, and that an humble Address be presented to His Excellency, praying that he will be pleased to cause the recommendation therein contained to be carried into effect.”

And whereas in pursuance of such Address the Governor in Council, on the sixth day of July in the year of our Lord one thousand eight hundred and fifty three, appointed the Honorable James Davidson to investigate the matters set forth in the said Report of the said Select Committee, the situation of the lands, and to report the names of the said respective parties living thereon, with their respective localities: And whereas in pursuance of such appointment, the said James Davidson has attended to the duties thereby in him reposed; and has made a report of his doings to His Excellency the Lieutenant Governor, which has been laid before the House of Assembly, together with the Schedule, and the Plan therein referred to; of which Report and Schedule the following are copies:—

Miramichi, January 26th, 1855.

“Sir,— Agreeably to instructions which I received from your predecessor, the Honorable Robert D. Wilmot, dated the 6th July 1853, I proceeded to Richibucto on the 12th of October following, for the purpose of surveying the grant to Jean Baptiste Richard and others, north of Richibucto; on my arrival there I called a meeting of all those persons who were interested in the grant, and ascertained from them that they wanted the land surveyed in the way it had been laid out originally by their ancestors, and subsequently subdivided by themselves; I accordingly began the survey and proceeded therewith until the cold weather then, when I was obliged to defer it until the 3rd of October last, at which time I again returned to Richibucto, and completed the survey. It appears that two tracts of land were granted to these people in the year 1793, and the first tract in the said grant, which is the land in question, containing eight thousand eight hundred acres, was granted to Jean Baptiste Richard, Thomas Babin, Louis Richard, Francis Richard son of John Baptiste Richard, Francis Richard living on the river Aldounc, Paul Richard, Jean Richard living on the river Aldounc, Jean Daigle, Fabain Daigle, dierre Robichaux, Pierre Robiclmux, Junior, Joseph Robiohaox, Casimir Daigle, Pierre Daigle, Charles Robichaux, and Charlemagne Arsinau, jointly, it was divided by the first proprietors, and subsequently subdivided by their descendants, and they would not allow me to make the slightest deviation from subdivision. I accordingly made a survey of the whole grant as it had been divided, and send herewith a Plan of the survey together with a Schedule containing the names of all the parties interested therein, and the quantity or proportion of land owned by each. All the persons named in the Schedule attached to the plan are those at present in possession, who are the descendants of the original grantees, persons and their descendants who have married heirs, and a few who have purchased, and they appear to be all perfectly satisfied that the persons named in the said Schedule are the sole and only owners agreeably to the manner in which it has been surveyed and represented on the plan here-with sent. As relates to the marsh, I found the divisions so small that it was impossible to mark the separate lots on a plan, unless on a very large scale, as many of the marsh lots are not more than fifty links wide. I therefore surveyed the whole of the marshes in one block, and have distinguished them separate from the upland on the plan. There will be no difficulty about the marsh, as each proprietor has his lot well marked off, and continues to occupy it without interruption. I was very careful in taking down the names of the respective owners, and to ascertain the proportion belonging to each, as will be seen on reference to the Schedule attached to the plan, and from the best information I could get, I think the persons whose names are contained in the said Schedule are the only and sole owners, agreeably to the different proportions mentioned therein.

I have the honor to be, Sir,

Your most obedient servant,

Jas. Davidson,

Dy. Surveyor.”

Hon. James Brown, Surveyor General,

&c &c. &c., Fredericton.

Schedule containing the names of the possessors of the Grant to Jean Baptiste Richard and sixteen others at Richibucto, with the number of each lot as represented on the plan.

No. 1. William M'Leod;— 2. William M'Leod;— 3. John S. Wilson;— 4. John Davids;— 5. John Leishman;— 6. William Chandler;— 7. John Hornet;— 8. Raphail Bobain;— 9. Samuel Cormier;— 10. Peter Merzeral;— 11. Joseph Robichaux, John Baptiste Robichaux, Benjamin Robichaux, Nicholas Robichaux, Gregoire Robichaux, Anastasia Robichaux, Julie Richard, Rebecca Bobain, Modeste Cheverie, Isabella Robichaux, and Mary Richard, one share each; John Baptiste Gray, Joseph Gray, Placide Gray, Peter Gray, Luke Gray, Alexander Gray, Tarquille Gray, Margaret Gray, Isabella Gray, Mary Gray, and Victoire Gray, one share among them;— 12. James M'Dermot;— 13. James M'Dermot;— 14. Peter Bobain;— 15. Susan Richard;— 16. John S. Wilson;— 17. Mary Richard;— 18. Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard;— 19. Roman Catholic Episcopal Corporation for the Diocese of New Brunswick;— 20. Samuel B. Hatherington;— 21. Susan Richard;— 22. Peter Barrio;— 23. John Davids;— 24. Cyprien Robichaux;— 25. Jaques Robichaux;— 26. Joseph John Daigle, Michael Wallet, Francoise Robichaux, Venaraute Robichaux, Luke Daigle, Sophia Robichaux, Mary Daigle, Lazare Robichaux, Jeremiah Doucette, one share each;— 27. Jaques Robichaux;— 28. Maxim Robichaux;— 29. William M'Leod;— 30. Gregoire Robichaux;— 31. Gregoire Robichaux;— 32. Maxim Robichaux;— 33. Gregoire Robichaux;— 34. Maxim Robichaux;— 35. Mary Robichaux;— 35. Oliver Cheverie and Mary Gallant, one half each;— 37. Angelique Robichaux, Natalie Robichaux, Phelomone Robichaux, Vital Robichaux, and Olive Robichaux, one share each;— 38. Dorsitte Daigle, Domitille Daigle, Dennis Daigle, Mary Rose Daigle, Urbain Daigle, Julie Daigle, Gertrude Daigle, one share each;— 39. David Blanchard;— 40. Oliver Richard;— 41. Peter Luke Richard, Frederick Richard, one share each; Dorsitte Richard, Octave Richard, Magdalane Richard, Susan Richard, Flave Richard, Peter Richard, Ephraim Richard, Aguste Richard, and Ragine Richard, one share among them;— 42. Gregoire Robichaux;— 43. Joseph Daigle, Louis Daigle, Charles Daigle, one share each;— 44. Charles Arseneau, Jaques Daigle, one half each;— 45. Louis Richard, John B. Richard, Lazare Richard, Julie Richard, Ephraim Richard, and Ursule Richard, one share each;— 46. John Louis Doucette;— 47. Jaques Robichaux;— 48. Cyprien Robichaux, northerly half, and John Davids, southerly half;— 49. John Davids;— 50. John Davids;— 51. Maxim Robichaux and William M'Leod, all that part west of the road; Peter Bobain, all that part east of the road;— 52. David Blanchard;— 53. Mary Robichaux, formerly Daigle, one share; Oliver Cheverie and Mary Gallant, one share between them; Angelique Robichaux, Natalie Robichaux, Oliver Robichaux, Phelomone Robichaux, and Vital Robichaux, one share among them; Domitille Daigle, Dorsete Daigle, Mary Rose Daigle, Dennis Daigle, Urbain Daigle, Julien Daigle, and Gertrude Daigle, one share among them;— 54. John Davids, Junior;— 55. John Davids, Junior;— 56. Remie Richard;— 57. James M'Dermot;— 58. Gregoire Robichaux;— 59. Pierre Daigle, Bazile Daigle, Pacifique Daigle, John Baptiste Daigle, Margaret Daigle, Agnes Daigle, Rosalie Daigle, and Gertrude Daigle, one share each;— 60. Maxim Richard;— 61. Dorsite Daigle, Domitille Daigle, Dennis Daigle, Mary Rose Daigle, Urbain Daigle, Julie Daigle, and Gertrude Daigle, one share each;— 62. Maxim Robichaux and William M'Leod, one half each;— 63. David Blanchard;— 64. Fabian Robichaux;—

65. Roman Catholic Episcopal Corporation for the Diocese of New Brunswick;— 66. Oliver Daigle;— 67. Anastasia Daigle, southerly third; Angelique Daigle, middle third; Genveive Daigle, northerly third;— 68. Charlemang Arseneau;— 69. Oliver Daigle;— 70. Charlemang Arseneau;— 71. Michael Richard;— 72. Jenvier Daigle;— 73. Charlemang Arseneau;— 74. Michael Richard;— 75. Nicholas Daigle;— 76. Jenvier Daigle;— 77. Susan Daigle, Modeste Richard, formerly Daigle, Isabella Robichaux, formerly Daigle, Phebe Savoy, formerly Daigle, one share each;— 78. Jenvier Daigle;— 79. Fabian Daigle;— 80. Charlemang Arseneau;— 81. Joseph John Daigle;— 82. Andrew Daigle;— 83. Mary Olive LeBlanc, Angelique Daigle, Genveive Daigle, Francoise Daigle, Clara Richard, Anastasia Daigle, one share each;— 84. Michael Pierre Richard;— 85. Joseph John Daigle;— 86. Nicholas Daigle, Frances Daigle, one half each;— 87. Helair Blanchard;— 88. Anselm DeRoche, Louis DeRoche, and LaBlanche Robichaux, one share each;— 89. Jaques Rohichaux, the southwesterly half; Francoise Robichaux and Venaraute Robichaux, the northeasterly half;— 90. Martain Robichaux;— 91. Paul Richard;— 92. Paul Richard;— 93. Paul Richard;— 94. Michael Richard;— 95. Mary Robichaux, formerly Daigle, one share; Oliver Cheverie and Mary Gallant, one shore between them; Angelique Robichaux, Natalie Robichaux, Oliver Robichaux, Phelomonc Robichaux, and Vatal Robichaux, one share among them;— 96. John Daigle;— 97. Joseph Robichaux, John B. Robichaux, Benjamin Robichaux, Nicholas Robichaux, Gregoire Robichaux, Anastasia Robichaux, Julie Richard, Rebecca Bobain, Modesto Cheverie, Isabella Robichaux, and Mary Richard, one share each; John Baptiste Gray, Joseph Gray, Placide Gray, Peter Gray, Luke Gray, Alexander Gray, Tarqille Gray, Margaret Gray, Isabella Gray, Mary Gray, and Victoire Gray, one share among them;— 98. Joseph John Daigle;— 99. Mary Olive LeBlanc, Angelique Daigle, Genveive Daigle, Francoise Daigle, Clara Richard, Anastasia Daigle, one share each;— 100. Louis Richard, John B. Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard;— 101. Louis Richard, John B. Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard;— 102. Louis Richard, John B. Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard;— 103. Eusebe Richard;— 104. Michael Richard;— 105. Remie Richard and Clovis Richard, one half each;— 106. Ami Robichaux;— 107. Paul Robichaux;— 108. Luke Daigle, one half; Louis Richard, John B. Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard, the other half among them;— 109. Paul Daigle, Fabian Daigle, and Nicholas Daigle;— 110. Paul Daigle, Fabian Daigle, and Nicholas Daigle;— 111. Oliver Daigle, one half; Olive Le Blanc, formerly Daigle, Francoise Breau, formerly Daigle, Clara Richard, formerly Daigle, Anastasia Daigle, Angelique Daigle, and Genveive Daigle, the other half among them;— 112, 126, 134, and 146. Joseph John Daigle, Jenvier Daigle, Mary Chevreau, formerly Daigle, Margaret Barrio, formerly Daigle, and Julie Daigle, one share each of each lot;— 113. William M'Leod, Esquire, and Maxim Robichaux, one half each;— 114. Hariet Daigle, formerly Richard;— 115. Justine Daigle, formerly Richard;— 116. Raphail Bobain, three fifths; Joseph Bobain, Raphail Bobain, Pierre Bobain, Euphrosine Robichaux, formerly Bobain, Margaret Daigle, formerly Bobain, Mary Osit Daigle, formerly Bobain, Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard, two fifths among them;— 117. Charles Arseneau;— 118. Charles Robichaux and Baptiste Robichaux;— 119, 141, and 152. David Blanchard, two fifths of each lot; Cyrell Blanchard, Mary Blanche Robichaux, formerly Blanchard, Josete Richard, formerly Blanchard, one fifth of each lot among them; Olive LeBlanc, formerly Daigle, Francoise Breau, formerly Daigle, Clara Richard, formerly Daigle, Anastasia Daigle, Angelique Daigle, and Genveive Daigle, two fifths of each lot among them;— 121. Louis Richard, one half; John B.

Richard, Louis Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard, one share of the other half; Rose Daigle, formerly Richard, one share of the half; Susan Richard, one share of the half; Isabella Richard, one share of the half; Renie Richard and Cloves Richard, one share of the half between them;— 122. Joseph Casimere Daigle, Charles Daigle, and Louis Daigle, one share each;— 123. Paul Daigle;— 124, 143, and 151. Jaques Robichaux, one half of each lot; Mary Daigle, formerly Robichaux, Ann Daigle, formerly Robichaux, Venaraute Robichaux, Francoise Robichaux, Charlotte Daigle, formerly Robichaux, John Louis Doucette, Susan Wallet, formerly Robichaux, Sophia Richard, formerly Robichaux, and Lazare Robichaux, one share each of the other half of each lot;— 125, 128, and 154. John Baptiste Robichaux, Joseph Robichaux, Benjamin Robichaux, Nicholas Robichaux, Gregoire Robichaux, Anastasia Richard, formerly Robichaux, Julie Richard, formerly Robichaux, Rebecca Bobain, formerly Robichaux, Modeste Cheverie, formerly Robichaux, Isabella Robichaux, and Mary Richard, one share each of each lot; John B. Gray, Joseph Gray, Placide Gray, Peter Gray, Luke Gray, Alexander Gray, Tarquille Gray, Isabella Gray, Margaret Gray, Mary Gray, Victoire Gray, one share of each lot among them;— 126. David Blanchard;— 127. Susan Richard;— 129 & 157. Joseph Casimere Daigle, Charles Daigle, and Louis Daigle;— 136. Joseph Bobain, Raphail Bobain, Peter Bobain, Eupbrosine Robichaux, formerly Bobain, Margaret Daigle, formerly Bobain, one share each;— 133. John Davids, two fifths; Raphail Bobain, one fifth; Joseph Bobain, Raphail Bobain, Peter Bobain, Euphrosine Robichaux, formerly Bobain, Margaret Daigle, formerly Bobain, Mary Osit Daigle, formerly Bobain, one fifth among them; Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, Ursule Richard, Susan Richard, Rose Daigle, formerly Richard, Isabella Richard, and Oliver Daigle, one fifth among them;— 132. John Davids, one half; Olive LeBlanc, formerly Daigle, Francoise Breau, formerly Daigle, Clara Richard, formerly Daigle, Anastasia Daigle, Angelique Daigle, and Genveive Daigle, the other half among them;— 133. Luke Richard;— 135. William M'Leod, Esquire, and Maxim Rohichaux;— 136. Michael Richard and David Blanchard;— 137. John Davids;— 138. Peter Luke Richard, Frederick Richard, Justine Daigle, formerly Richard, Julie Daigle, formerly Richard, one fifth each; Dorsitte Richard, Octave Richard, Peter Richard, Agustine Richard, Ephraim Richard, Rosine Richard, Flavie Richard, Susan Richard, and Magdalane Richard, one fifth among them;— 139. Rose Daigle, formerly Richard, Susan Richard, one fifth each; Remi Richard and Clovis Richard, one fifth between them; Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard, two fifths among them;— 140. Paul Daigle;— 142. John Davids, one half; Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, Ursule Richard, two fifths of the other half; Susan Richard, Rose Daigle, formerly Richard, one fifth each of the half; Remie Richard and Clovis Richard, one fifth of the half between them;— 144. Charles Arseneau;— 145. Charles Arseneau;— 147. Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, and Ursule Richard, one share each;— 148. John Davids, one half; Olive LeBlanc, formerly Daigle, Francoise Breau, formerly Daigle, Clara Richard, formerly Daigle, Anastasia Daigle, Angelique Daigle, and Genveive Daigle, the other half equally among them;— 149. John Bobain, Julie Bobain, Natalie Bobain, one share each;— 150. John Davids, Junior, and Agustine Davids, one half; Louis Richard, John Baptiste Richard, Lazare Richard, Julien Richard, Ephraim Richard, Ursule Richard, one fifth; Susan Richard, Rose Daigle, formerly Richard, one tenth each; Remie Richard and Clovis Richard, one tenth between them;— 153. Peter Luke Richard;— 155. John Baptiste Robichaux and Charles Robichaux;— 156. Joseph Bobain;— 158. Paul Daigle;— 159. Michael Richard and David Blanchard;— 160. John Davids, Junior, and

Agustine Davids, two fifths; Peter Bobain, three fifths;— 161. Charles Arseneau;— 162. William M'Leod, Esquire, and Maxim Robichaux.

James Davidson,

Miramichi, January 26, 1855.

Dy. Surveyor.

And whereas the said Report and Schedule, together with the Plan therein referred to, are by this Act directed to be filed in the Secretary's Office, and entered of Record therein: And whereas, with a view of carrying out the recommendation of the House of Assembly, as contained in the said Report of the said Select Committee as aforesaid;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The said Report and Schedule set forth in the recital to this Act, together with the plan accompanying the same, so made by the Honorable James Davidson, the person appointed as above set forth, dated the twenty sixth day of January, one thousand eight hundred and fifty five, shall be deposited in the Provincial Secretary's Office, and entered of Record therein, as Grants and Plans are entered.
2. A good and legal title to the respective lots marked on the said Plan, or actually laid off by metes and bounds by the said James Davidson, is hereby severally vested in the persons named in the said Schedule, Plan, and Report, as owners thereof, subject as hereinafter mentioned.
3. From and after the passing of this Act, a certified copy of the said Plan, Report, and Schedule, or of the Record thereof under the Great Seal of this Province, or certified according to the provisions of an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent*, shall be good and legal evidence in any Court of Law or Equity in this Province, of the several titles of the respective persons mentioned by the said James Davidson, their heirs and assigns, to the lands therein described as belonging to them respectively; provided always, that nothing in this Act contained shall extend or be construed to extend to interfere with or militate against the legal right of any party or parties claiming title or interest in or to any part or parts thereof, whoso names are not included in the said Schedule.
4. A certified copy of the said Plan, Report, and Schedule, shall be transmitted to the office of the Registrar of Deeds and Wills, in the County of Kent, the said Schedule to be registered in the said office, and the said Plan and Report to be kept on file for reference, at the expense of the parties interested, who are hereby required to pay the Registrar his fees before he be required to register such Schedule, Plan, and Report.