

# James Stuart's Illegitimate Children<sup>1</sup>

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## Introduction

It has long been known to this family that Sir Andrew Stuart, the father of Louis Beaubien's wife Lauretta Stuart, was an illegitimate son of the Honorable Andrew Stuart and Marguerite Dumoulin. Never married, Hon. Andrew had six illegitimate children, two from Dumoulin and another four from Jane Smith. Marguerite was already married to a husband who left her to go settle in Ontario. Jane and Andrew separated, and she married and had four more children. A.H. Young, the biographer of the Stuart family, evidently knew of Hon. Andrew's illegitimate children, but discretely fibbed a few facts to make them look legitimate<sup>2</sup>. All of Hon. Andrew's children were baptized and the names of their parents appear in the birth records. Though born out of wedlock, they were always legally recognized and provided for.

It turns out that Hon Andrew wasn't the only Stuart with illegitimate progeny. His brother James had three that can be documented. The first child is quite explicitly recognized in church records – a James Stuart who died in 1835 at 25 and whose burial record at Holy Trinity Anglican Cathedral in Quebec City indicates that he was the son of James Stuart, who, with his brother Andrew, were witnesses to the burial. No mother is named. James, the son, does not appear to have married or left children of his own. A.H. Young even mentions him in a footnote related to James's marriage to Elizabeth Robertson, suggesting that Elizabeth might have been James's second wife.

James the elder was one of Quebec's most distinguished lawyers. Born in Fort Hunter, New York on March 2, 1780, he was called to the Bar of Lower Canada in 1801, practiced law in Montreal and was first elected to the National Assembly in 1808. He was appointed Solicitor-General in 1805, Attorney-General in 1825, and Chief Justice of Quebec in 1838. He was created baronet in 1841 and died in Quebec in 1853. In the 1820s he led the movement to unite Lower and Upper Canada and was sent to London to plead the case<sup>3</sup>.

Sir James had two other illegitimate children: Eleanor, born on April 3, 1815, and William James (sometimes called James William) born about 1819. Their mother was Josephte Dufresne of Montreal. Although Sir James never recognized his children, and Dufresne never appears in any legal document as their mother, there is considerable evidence that they were in fact the parents of Eleanor and William.

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<sup>1</sup> This article would not have been possible without the contribution of Cynthia Elder, a descendant of William James Stuart. See the Conclusion for details.

<sup>2</sup> A. H. Young, *The Revd. John Stuart, D.D., U.E.L., of Kingston, U.C. and his family: a genealogical study* (Kingston, Ont., [1920])

<sup>3</sup> Evelyn Kolish, "STUART, Sir JAMES," in *Dictionary of Canadian Biography*, vol. 8, University of Toronto/Université Laval, 2003–, accessed May 19, 2024, [http://www.biographi.ca/en/bio/stuart\\_james\\_8E.html](http://www.biographi.ca/en/bio/stuart_james_8E.html).

Eleanor Stuart's birth date appears on her grave in Notre-Dame-des-Neiges Cemetery in Montreal and matches a baptism at Notre-Dame-de-Montréal of an "Eleonore inconnue", with no named parents. She married on August 5, 1840, at Notre-Dame, Henry Nathan Starnes (1816-1896), a merchant and twice mayor of Montreal<sup>4</sup>. Her parents are not named in the marriage record, but one of the witnesses was her brother, William Stuart.

William James Stuart was born about 1819, but no baptism for him has been found<sup>5</sup>. He married about 1842 Mary Ann Oliver and settled as a physician at Napierville, Quebec, where they had 11 children. Evidence of William's link to the Stuart family is the appearance of Okill, the family name of Sir James's mother, as the middle name of one of William's sons.

William's birth date is unknown. On his gravestone at Douglass Cemetery in St-Cyprien-de-Napierville, he is said to have died on 29 March 1869 at age 50, meaning, if the age is accurate, that he would have been born between March 29, 1818, and March 28, 1819. On the 1861 census, whose official date is January 14, 1861, his age appears as 41, meaning he would have been born between January 14, 1819, and January 15, 1820. If both estimates are correct, he would have been born in early 1819.

Sir James married Elizabeth Robertson (1795-1849) in Montreal on March 14, 1818, and they had four children between 1824 and 1837. Both estimates of William's birth indicate that he was likely born after Sir James's marriage.

Eleanor and William are linked to Sir James and to Josephte Dufresne through several legal documents. First, some details on Dufresne. She was born on December 20, 1792, in Montreal, the daughter of Philippe Dufresne (1752-1828), a farmer, and his wife Marguerite Baron dit Sanschagrin (1756-1818). She married on September 4, 1820, Joseph Robert dit Namur (1797-1855), a tinsmith. They had four children between 1821 and 1832. The godparents of Priscille, her third child from Namur, born in 1830, were Eleanor and William James Stuart.

In January 1821, shortly after their respective marriages, Sir James gave Dufresne a house in the St-Lawrence Ward of Montreal. The gift is made "for divers good causes and considerations" and makes no mention of the children. The only stipulations are that Dufresne should own the house separately from her husband's property and that it not be used by him to settle any debts<sup>6</sup>.

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<sup>4</sup> Unless otherwise noted, all births, marriages and death in Quebec are from the Drouin Collection, consulted on Ancestry.com. Details can be found on my family tree at <https://www.ancestry.com/family-tree/person/tree/74776976/person/42301210171/facts>. Let me know if you would like access.

<sup>5</sup> It is the practice in the Catholic Church to baptize illegitimate children, typically without naming either parent. In the Protestant churches, this is not the case. We may have here a case where the girl was given the mother's religion and the boy the father's.

<sup>6</sup> Minutes of N. B. Doucet, notary. Donation de James Stuart à Josephte Dufresne, January 11, 1821, no. 8236.

Direct evidence that the children were those of Sir James and Dufresne can be found in testimony given in a suit filed in the Court of King's Bench in Montreal in 1828 by Joseph Namur against Sir James Stuart, in which Namur claims the sum of £110 10 shillings for the lodging, feeding, and clothing of William, and the clothing of Eleanor, who is boarding in a convent. Four witnesses were called by Namur, the Plaintiff, and each testifies to the relationship between the children and Sir James, the Defendant<sup>7</sup>.

The first witness is Séraphim Gauthier, a grocer.

Q. Do you know whether the Defendant boarded his son at the Plaintiff's, since when and for how long?<sup>8</sup>

A. I know that the Defendant's son lived at the Plaintiff's, to the best of my knowledge, but I can't say whether he was boarding there or not. The boy's name is James William Stuart.

Q. Do you know whether the Plaintiff also took care of Eleonor, le Defendant's daughter, launders and mends her clothes, and over what time?

A. Yes, for five years that that I have been living in the Plaintiff's neighborhood I have been aware that the Plaintiff or his wife often bring packages of clothes to the convent for the Defendant's daughter, where she has been put for her education.

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Q. Do you know since what month in the year 1820 the Defendant's children have been fed at the Plaintiff's?

A. I believe it was in September or October 1820<sup>9</sup>

The second witness is Jean-Baptiste Asselin, like Namur a tinsmith, who confirms that Eleanor and William, children of Stuart, have been taken care of by Namur and Dufresne for eight or nine years.

The third witness is Dr Robert Nelson, MD<sup>10</sup> -- a few years later a leader of the Patriote rebellion -- who confirms that not only were the children Stuart's but that this was public knowledge:

Q. Do you know two children who were placed with the Plaintiff and for how long they have been fed and boarded by the Plaintiff?

A. I don't know whether the Defendant placed them there, but I have seen the children in question almost each time I have been to the house, which I have done often, as the family needed me since the children were born; I have even occasionally taken care of the children at the Plaintiff's house until this winter; I have seen them in the Plaintiff's

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<sup>7</sup> Judgement of Court of King's Bench, Montreal, February 10, 1865.

<sup>8</sup> All testimonies given here were originally in French, with translation by the author.

<sup>9</sup> about the time of the marriage of Namur and Dufresne.

<sup>10</sup> Richard Chabot, Jacques Monet, and Yves Roby, "NELSON, ROBERT," in *Dictionary of Canadian Biography*, vol. 10, University of Toronto/Université Laval, 2003--, accessed May 20, 2024, [http://www.biographi.ca/en/bio/nelson\\_robert\\_10E.html](http://www.biographi.ca/en/bio/nelson_robert_10E.html).

family for ten or twelve years; I have always considered that the children were those of James Stuart, the Defendant; and that was publicly known.

The final witness, Guillaume Perrault<sup>11</sup>, a carpenter, confirms that the children are Stuart's, but adds that Dufresne is their mother, and that Stuart hired him to find a house for the Namur household.

I know that about 14 years ago the Defendant boarded with Josephte Dufresne, currently the wife of the Plaintiff who was then not married to the Plaintiff, a boy James William Stuart and a girl Marie Eleonore Stuart, both reputed to be the Defendant's children. And he himself recognized them as his children, and retained me to find a house for her and the two children whose mother she was, and having found a suitable house she lived there with the children for the first six months, during which time I gave Miss Josephte Dufresne, on behalf of James Stuart, the Defendant, who had given me for her 30 dollars for her and the children, another time I gave her 12 dollars from James Stuart and another 14 dollars. Two or three years later, the Plaintiff married Josephte Dufresne and to the best of my knowledge, the children continued to board with him, except that the girl studies at the convent. I know that the Defendant has committed to pay the boarding costs of the children. Lately, the boy has been placed at Mr Shakel's school, where he is presently<sup>12</sup>.

Through his lawyer, Michael O'Sullivan<sup>13</sup>, Stuart admits that "the children" were placed with Namur since 1820 and that he promised to pay for the services.

On February 9, 1833, the Court of King's Bench found for Namur and sentenced Sir James to pay £100 10s plus expenses. Sir James appealed the judgement, but the appeal was rejected as he failed to provide the necessary documents. Namur provided a quittance for £178 3s 6p in a document signed on June 13, 1833, before Paul-Emile Leclerc, a notary in St-Hyacinthe<sup>14</sup>.

It is not clear why an argument over maintenance of Eleanor and William needed to go to court. During the proceedings, the accusers make a reasonable, and unrefuted, case for what it costs to maintain two children. In question was whether Sir James had been consistently paying these

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<sup>11</sup> No relation.

<sup>12</sup> This is probably Alexander Skakel, head of the Royal Grammar School in Montreal, which operated after 1821 under the direction of the Royal Institution for the Advancement of Learning, eventually McGill University. Stanley B. Frost, "SKAKEL, ALEXANDER," in *Dictionary of Canadian Biography*, vol. 7, University of Toronto/Université Laval, 2003–, accessed August 25, 2024, [https://www.biographi.ca/en/bio/skakel\\_alexander\\_7E.html](https://www.biographi.ca/en/bio/skakel_alexander_7E.html).

<sup>13</sup> Alan Dever, "O'SULLIVAN, MICHAEL," in *Dictionary of Canadian Biography*, vol. 7, University of Toronto/Université Laval, 2003–, accessed September 8, 2024, [https://www.biographi.ca/en/bio/o\\_sullivan\\_michael\\_7E.html](https://www.biographi.ca/en/bio/o_sullivan_michael_7E.html)

<sup>14</sup> Leclerc was active as a notary in St-Hyacinthe before he became famous in his role as superintendent of the Montreal police during the 1837-38 Patriote uprising. As a notary, he acted for many Montreal businessmen, including Benjamin Hall, Stuart's agent during his absence in London. Jean-Louis Roy, "LECLÈRE (Leclerc), PIERRE-ÉDOUARD," in *Dictionary of Canadian Biography*, vol. 9, University of Toronto/Université Laval, 2003–, accessed January 13, 2025, [https://www.biographi.ca/en/bio/leclerc\\_pierre\\_edouard\\_9E.html](https://www.biographi.ca/en/bio/leclerc_pierre_edouard_9E.html).

expenses. He claims that he had made 43 payments over the period in question, for which he had received receipts. The Namurs challenged having received the funds and claimed they had kept records of their expenses but not of their receipts. Sir James could not produce the receipts, and both lawyers agreed they had seen them but could not produce them either. It looks as if the court had to decide based on little evidence, and it may not have helped that Sir James was in London at the time. He appears to have finally just given up.

Joseph Namur died in 1855, leaving his estate to his wife. Josephte Dufresne died between November 1865, when she revised her will, and January 1868, when Eleanor Stuart signed a quittance to her estate<sup>15</sup>. No death record for her has been found<sup>16</sup>.

Namur and Dufresne had two daughters who married and left descendants of the name of Gosselin and Bourdeau.

Was Josephte Dufresne the mother of James Stuart (1810-1835), Sir James's first illegitimate child? She would have been 18 at his birth, and James would have been 18 at the time of the Namur-Stuart lawsuit. He may have been in school or in training for the last few years, and not living with the Namurs, but the fact that he is not mentioned indicates that he had probably never been part of this household.

Sir James died in 1853, four years after his wife. Somewhat surprisingly, he left no will, and his eldest son, Charles, filed a declaration to this effect to a court in Upper Canada<sup>17</sup>. His assets would then have gone to his legitimate offspring only.

## Descendants

### Eleanor Stuart and Henry Starnes

Eleanor Stuart married Henry Starnes<sup>18</sup>, at Notre-Dame in Montreal on August 5<sup>th</sup>, 1840. His parents are named but not hers. Among the signatories are Eleanor's brother William, Serafino Giraldi, a Montreal hotel keeper, and Henry's grandfather, Nathaniel Starnes.

Nathaniel Starnes was a Loyalist born in Rhode Island in 1768 who settled in Montreal as a silversmith. He married Marguerite Auclair and they had seven children, all raised as Catholics. Benjamin Starnes, Henry's father, was a merchant in Kingston, Ontario in the 1810s and there

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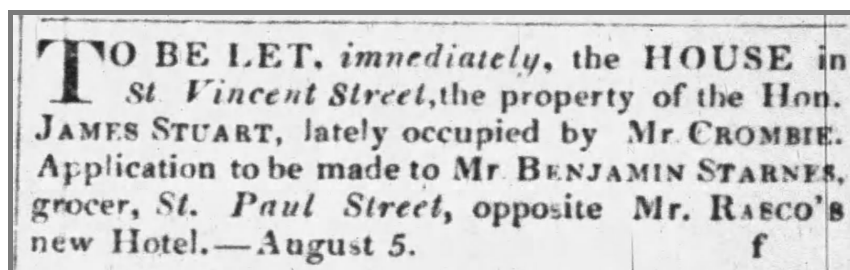
<sup>15</sup> Minutes of JH Jobin, notary, 19 Jan 1866, act 11846.

<sup>16</sup> What happened to Josephte Dufresne is a bit of a mystery. She was not found in the 1861 census, under her name or similar ones, though this census is known to be incomplete. She was not in the household of any of her children, legitimate or not. She was not buried at Notre-Dame-des-Neiges Cemetery with her husband, who is in a lot along with his daughter Mélanie and her son-in-law, François Benoit, Josephte's executor. Nor is she buried with her daughter Priscille, who is in St-Charles Cemetery in Quebec City.

<sup>17</sup> Bond of Sir Charles James Stuart and others, Surrogate Court of the Counties of Frontenac, Lennox, and Addington, 25 August 1853.

<sup>18</sup> R. E. Rudin, "STARNES, HENRY (Henry Nathan)," in *Dictionary of Canadian Biography*, vol. 12, University of Toronto/Université Laval, 2003–, accessed December 20, 2024, [https://www.biographi.ca/en/bio/starnes\\_henry\\_12E.html](https://www.biographi.ca/en/bio/starnes_henry_12E.html).

married Elisabeth Miville. Benjamin then moved to St-Hyacinthe, where he was a grocer, but also did business in Montreal, as he posted in 1834 an advertisement in the Montreal Gazette offering a house to rent belonging to James Stuart<sup>19</sup>.



Henry Starnes was 23 when he married. He had been educated at the Montreal Academic Institution and the Petit Séminaire de Montréal, where he had met young men who would become major politicians, such as George-Etienne Cartier. In the 1830s, he entered the employ of James Leslie<sup>20</sup>, a food importer, cabinet minister in the Baldwin-Lafontaine government, and eventual senator. Starnes would then become city councilor, and twice mayor of Montreal. As fund raiser for the Conservatives under Cartier, he was involved in the “Pacific Scandal” which brought down the government of John A. McDonald. As a member of the Quebec Legislative Council, he was a member of both Liberal and Conservative administrations. After serving as director of several banks, he became president of the Metropolitan Bank in 1871 but was forced to resign when the bank failed in 1876 after the recession of the 1870s. His DCB article ends “The scandals of the 1870s did not destroy him, but they did, perhaps prematurely, bring an end to hopes of greater power and influence.” Starnes died on March 3, 1896, in Montreal.



Eleanor Stuart and Henry Starnes had nine children, six of whom reached adulthood. Three of the daughters married British men and moved to London. Corinne Starnes married in 1865 Maj.-Gen. Kenneth Gregg Henderson, C.B. (1836-1902) who served in India, China and the Sudan. He died run over by a van in London<sup>21</sup>. Louise Starnes married in 1870 a Scot, Major Alexander Mitchell-Innes (1847-1882). He died at sea on his way from India to Malta<sup>22</sup>. She died in London in 1933. Eleanor Starnes married in 1872 John Richard Delap Tollemache (1850-1914), son of John Tollemache, 1<sup>st</sup> Lord Tollemache (1805-1890), a landowner and MP from Cheshire. He was a partner in a hardware firm in Montreal but left it and moved to Nova Scotia in the

<sup>19</sup> It is not clear why the quittance mentioned above between Stuart and Namur, who both lived in Montreal, should have been handled by a notary in St-Hyacinthe.

<sup>20</sup> André Garon, “LESLIE, JAMES,” in *Dictionary of Canadian Biography*, vol. 10, University of Toronto/Université Laval, 2003–, accessed December 25, 2024, [https://www.biographi.ca/en/bio/leslie\\_james\\_10E.html](https://www.biographi.ca/en/bio/leslie_james_10E.html).

<sup>21</sup> Obituary for Kenneth Gregg Henderson, CB, *The Daily Telegraph*, London, 11 August 1902.

<sup>22</sup> Obituary for Alexander Mitchell-Innes, *Montreal Gazette*, 24 April 1882.

1870s, where he became close to General Sir Patrick McDougall, the head of British forces in North America. Eleanor sued him for divorce in 1880, he remarried, and she died at her estate in Kent in 1913. The fourth daughter, Elvina Starnes, became a nun of the order of Religieuses du Sacré-Coeur, who were devoted to the education of children.



Eleanor and Louise Starnes, 1868  
(William Notman)

The Starnes also had two sons. James Leslie Starnes (1850-1880), a merchant, married Angélique Juchereau Duchesnay, descendant of a prominent seigneurial and military family, and they had a son<sup>23</sup>. Henry Benjamin Starnes (1853-1896), a clerk for the Grand Trunk Railroad, married Charlotte Fitzsimmons of Brockville and they had three sons<sup>24</sup>.

Eleanor Stuart died in Montreal on November 17, 1901, and is buried in Notre-Dame-des-Neiges Cemetery with her husband.

#### William James Stuart and Mary Ann Oliver

William Stuart was born about 1819 of James Stuart and Marie Josephte Dufresne.

He got a medical degree, probably from McGill, before 1842, when he would have been 23. He practiced all his life in the village of Napierville.

He married Mary Ann Oliver, about 1842. She was born in Montreal on November 9, 1823, the daughter of John Oliver and Mary Harrison, and baptized on January 18, 1824, at Christ Church.

John Oliver removed to Napierville where he made a will on November 28, 1843, in which he is said to be a tavern keeper in Napierville. His wife, Mary Harrison, and William Stuart, husband of Mary Ann Oliver, are named as his executors<sup>25</sup>.

William Stuart's and Mary Ann Oliver's first child, James William, was born on November 13, 1843 and baptized on August 4, 1844 at the Anglican church in Clarenceville, where records start in 1842. Most of their children were baptized in Lacolle, where records start in 1843. William and Mary Ann are said in the baptism records of their children to have been married, but their marriage record has not been found.

It is not clear why William Stuart ended up in Napierville. No land grant to him in that area has been found. Sir James got several grants in the townships late in his life, but none in the 1830s or 1840s that he might have given his son. Napierville was at the center of the action in the

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<sup>23</sup> Although James Leslie Starnes was obviously named after Henry Starnes's business partner, as a Protestant, Leslie could not be his godfather.

<sup>24</sup> There are several photos of Henry Starnes and his children in the Notman collection at the McCord Museum, but none that is clearly of Eleanor Stuart.

<sup>25</sup> Minutes of J.B. Lukin, notary. Will of John Oliver, 28 Nov 1843, no 1129.



1838 Patriote rebellion<sup>26</sup>. The family believes William played a role on the loyalist side of the conflict, perhaps as an aide-de-camp to General Colborne<sup>27</sup>. His photo shows him with a defective eye, which could have been the result of a war injury. There are records of a William Stuart (actually, several of them) serving in the militia in 1838-39, in regiments based in Montreal or the townships. But the timing of this service and his medical training is problematic. William would have been 19 or 20 when he enlisted, which is too young for him to have completed his medical training. If he started medical school after his service, this would not have been till 1839, which would have required him to complete it in three or four years to marry in 1842, which is possible but quite tight. Another possibility is that he interrupted his medical training to serve in the militia and completed it afterwards.

William Stuart died in Napierville on March 29, 1869, having made a will in 1865 in which he names his wife as beneficiary. She died on January 21, 1885, and her inventory was notarized on March 17 of the same year. Most of her assets were in real estate, including the family house in the village of Napierville, and three farm-size lots in the surrounding parish of St-Cyprien. One son, Walter, a merchant in Napierville, bought the house from the estate, which was next to his own, and another son, James William, bought the farm, also next to his<sup>28</sup>.

Henry Oliver Stuart was the only child to leave the Eastern Townships. He moved to Montana at 18 and worked as a placer miner and a stagecoach driver for Wells Fargo. He married Rosina Jemmett in 1880 – her third marriage – and they had one son, Romeo Oliver Stuart, who was baptized in Montreal and died unmarried in Montana. Henry Stuart was disinherited by his mother, because “he has never been of any assistance to me since his father’s death”, though he did get a share of his father’s.

Two daughters, Eleanor and Charlotte, married doctors, Louis Marceau of Napierville, and Charles Edgar of North Hatley, and had children. James William Stuart, and Albert Okill Stuart, a merchant, married and had children in Napierville.

Walter, Angelina, and Emma Stuart died unmarried. All lived in a house owned by Walter, where they were joined by their sister Eleanor after the death of her husband.

Sir James and Josephte Dufresne have living descendants, but none named Stuart.

## Conclusion

How were Stuart’s illegitimate children found? From a genealogical perspective, there are two problems of interest:

1. Find the parents of a person of illegitimate birth, using publicly available records,

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<sup>26</sup> *Napierville, un peu d’histoire*, <https://www.napierville.ca/fr/municipalite/a-propos/un-peu-d-histoire/>

<sup>27</sup> Alan Wilson, “COLBORNE, JOHN, 1st Baron SEATON,” in *Dictionary of Canadian Biography*, vol. 9, University of Toronto/Université Laval, 2003–, accessed February 2, 2025, [https://www.biographi.ca/en/bio/colborne\\_john\\_9E.html](https://www.biographi.ca/en/bio/colborne_john_9E.html).

<sup>28</sup> Minutes of Alexandre Barrette, notary. Inventaire de Mary Ann Oliver, March 17, 1885, act 3136



## 2. Find the illegitimate descendants of a known person

The story told here is of the first kind, though in retrospect, some of the steps of the path taken to discover it could also have been applied to the second.

In this case, Cynthia Elder, a descendant of William James Stuart, knew that she was a descendant of Sir James. This was supported by the fact that Albert Okill Stuart, her great-grandfather, bore the uncommon maiden name of Sir James's mother. The family also knew of the relationship to Eleanor Stuart and the Starnes, as her great uncle bought at auction the Starnes' dining room set. But they did not know the name of Eleanor's and William James's mother.

Looking through Eleanor's notarial records Cynthia found the quittance from her to the estate of Josephte Dufresne. In Sir James's notarial records, she found the gift of a house to Josephte, in which her husband is named, but without any mention of children. I then found a quittance from Joseph Namur to Sir James, pointing to the decision of the Court of King's Bench that contains the testimonies supporting the links between Eleanor, William James, Sir James and Josephte.

Although Eleanor was key to assembling the pieces of the puzzle, in principle, it should have been possible to do so starting from the gift by Sir James of a house to Josephte that did not look like a normal business or family transaction. The rest of the story then follows. One would just have thought to look.

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