

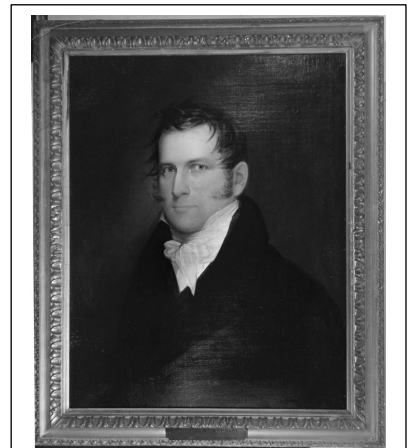
# Hidden in plain sight: the illegitimate children of James Stuart and Marie-Josephte Dufresne

Raymond Perrault

## Introduction

Two children named Stuart, without baptismal records, and without parents named in their marriage certificates. But with the help of notarial deeds and the file of a case before the Court of King's Bench, it is possible to identify Sir James Stuart and Josephte Dufresne as their parents, the approximate date of their birth, their spouses and children.

In the 19<sup>th</sup> century, James Stuart was one of Quebec's most distinguished lawyers. Born in Fort Hunter, New York, on March 2, 1780, son of Rev. John Stuart and Jane Okill, 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>1</sup>.



James Stuart

Stuart married Elizabeth Robertson (1795-1849) in Montreal on March 14, 1818, and they had four children between 1824 and 1837.

But before his marriage, Stuart already had an illegitimate son. Clearly recognized in parish records and named James like his father, he lived to the age of 25 and died in 1835. His burial certificate at the Anglican Cathedral of the Holy Trinity in Quebec describes him as the son of James Stuart, a lawyer, who is present with his brother Andrew. No mention of a mother. James, Jr., does not appear to have married or had children. A. H. Young, the Stuart family biographer, mentions him in a note relating to his father's marriage to Elizabeth Robertson, suggesting that she may have been his second wife<sup>2</sup>.

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<sup>1</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).

<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])

## Eleanore and William James Stuart

It turns out that Sir James had two other illegitimate children: Eleanore, born on April 3, 1815, and William James (sometimes called James William) born about 1819. We now know that their mother was Josephte Dufresne of Montreal. Although Sir James never legally 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 Eleanore and William.

Eleanore 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<sup>3</sup>. She married on August 5, 1840, in the same church, 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.

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, shortly after his father's marriage.

## The mother: Marie-Josephte Dufresne

The children's mother, Marie-Josephte Dufresne, the daughter of Philippe Dufresne (1752-1828), a farmer, and his wife Marguerite Baron dit Sanschagrin (1756-1818), was born on December 20, 1792, in Montreal. 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.

The Dufresne-Namur marriage contract was established under the regime of separation of property. It stipulates that "it is expressly agreed between the parties that the two children named Marie Eleanore and James William who are with the wife will be raised in the spouses' home using the income from the wife's property."<sup>6</sup>

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<sup>3</sup> Her birth date is confirmed in the 1901 census.

<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. Eleanore was given the mother's religion and William the father's.

<sup>6</sup> Bibliothèque et Archives Nationales du Québec (BaNQ), minutier de N.B. Doucet, contrat de mariage entre Joseph Namur et Marie-Josephte Dufresne, 2 septembre 1820, no 7887.

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>7</sup>.

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>8</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>9</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.

...

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>10</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>11</sup> -- a few years later a leader of the Patriote rebellion

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<sup>7</sup> Minutes of N. B. Doucet, notary. Donation de James Stuart à Josephte Dufresne, January 11, 1821, no. 8236.

<sup>8</sup> Judgement of Court of King’s Bench, Montreal, February 10, 1865.

<sup>9</sup> All testimonies given here were originally in French, with translation by the author.

<sup>10</sup> about the time of the marriage of Namur and Dufresne.

<sup>11</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).

-- 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 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>12</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>13</sup>.

Through his lawyer, Michael O'Sullivan<sup>14</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

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<sup>12</sup> No relation.

<sup>13</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>14</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)

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>15</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 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.

### The family of Josephte Dufresne and Joseph Namur

Josephte Dufresne and Joseph Namur had four children between 1821 and 1832. Two boys died in infancy. The eldest daughter, Mélanie Namur, born in 1828, married François Benoit, a clerk at the Bonsecours market. Eleanor and William Stuart were godmother and godfather to Priscille, the youngest, born in 1830, who married Augustin Gosselin, a hotelier from Quebec.

Joseph Namur died on January 3, 1855, leaving his estate to his wife. Josephte Dufresne revised her own will on November 16, 1865<sup>16</sup>. In it, she left the house she occupied on Rue des Allemands to her daughter Mélanie and the house she received from Stuart on Rue St-Philippe to Priscille, as well as 1,000 dollars. She also bequeathed the sum of \$400 each to Eleanore Stuart and William Stuart, who are designated as her daughter and son. Eleanore gave a receipt to the estate on January 18, 1868, but we have not found a receipt from William.<sup>17</sup>

Josephte Dufresne died between November 16, 1865 and November 24, 1865, that is, between the date of the revision of her will and that of the signing of a deed of partition by her daughters<sup>18</sup>. No death record for her has been found<sup>19</sup>.

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

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<sup>15</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).

<sup>16</sup> Minutes of Pierre Mathieu, testament de Marie-Josephte Dufresne, 16 Nov 1865.

<sup>17</sup> Minutes of JH Jobin, notary, 19 Jan 1866, act 11846.

<sup>18</sup> Minutes of Pierre Mathieu, acte de partage, 24 Nov 1865.

<sup>19</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.

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 Quebec City on July 14<sup>th</sup>, 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>20</sup>. His assets would then have gone to his legitimate offspring only, without any justification of why none were left to his illegitimate children.

## Descendants

### Eleanor Stuart and Henry Starnes

Eleanor Stuart married Henry Starnes<sup>21</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 New England about 1768 who settled in Montreal as a silversmith<sup>22</sup>. He married in 1794 Marguerite Auclair (daughter of Joseph Auclair and Marguerite Jérôme dit Latour) and their marriage contract specified that the children should be raised as Catholics. Two of Marguerite's brothers, Joseph Auclair (1777-) and Narcisse Auclair (1791-1823) were also silversmiths. Starnes was witness to the marriage of Joseph Auclair, as well as silversmith Salomon Marion, Auclair's brother-in-law<sup>23</sup>.

Benjamin Starnes, Henry's father, was a merchant in Kingston, Ontario in the 1810s and there married Elisabeth Miville (daughter of Louis Miville and Marie Louise Tatout). 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>24</sup>.

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<sup>20</sup> Bond of Sir Charles James Stuart and others, Surrogate Court of the Counties of Frontenac, Lennox, and Addington, 25 August 1853.

<sup>21</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).

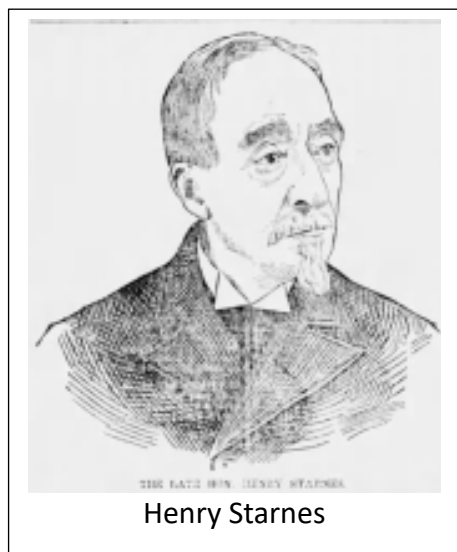
<sup>22</sup> Nathaniel Starnes appears to have been active in the production of silver objects for the fur trade. Gérard Morisset, *Orfèvrerie de traite*, La Patrie, 15 janvier, 1950. <https://rd.uqam.ca/Morisset/1950.01.15.html>

<sup>23</sup> Robert Derome and José Ménard, "MARION, SALOMON (baptized Charles) (Pierre-Charles-Salomon; Lafontaine, dit Marion; Marion, dit Lafontaine)," in *Dictionary of Canadian Biography*, vol. 6, University of Toronto/Université Laval, 2003–, accessed July 20, 2025, [https://www.biographi.ca/en/bio/marion\\_salomon\\_6E.html](https://www.biographi.ca/en/bio/marion_salomon_6E.html).

<sup>24</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.

**T**O BE LET, *immediately*, the **HOUSE** in *St. Vincent Street*, the property of the Hon. **JAMES STUART**, lately occupied by **Mr. CROMBIE**. Application to be made to **Mr. BENJAMIN STARNES**, grocer, *St. Paul Street*, opposite **Mr. RASCO'S** new Hotel.—August 5. f

Henry Starnes was 23 when he married. He had been educated at the Montreal Academic Institution and the Petit Séminaire de Montréal. In the 1830s, he entered the employ of James Leslie<sup>25</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.



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>26</sup>. Henry Benjamin Starnes (1853-1896), a clerk for the Grand Trunk Railroad, married Charlotte Fitzsimmons of Brockville and they had three sons<sup>27</sup>.

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

Eleanor Stuart and Henry Starnes had nine children, six of whom survived to adulthood. Three of their daughters married British men and settled in London.

<sup>25</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>26</sup> Although James Leslie Starnes was obviously named after Henry Starnes’s business partner, as a Protestant, Leslie could not be his godfather.

<sup>27</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.





Eleanor and Louise Starnes, 1868  
(William Notman)

- Corinne Starnes (1841-1925) married Major-General Kenneth Gregg Henderson, C.B. (1836-1902) in 1865, who served in India, China, and Sudan. He was crushed to death under a van in London. She died in London.
- Louise Starnes (1844-1933) married a Scotsman, Major Alexander Mitchell-Innes (1847-1882), in 1870, who died at sea while en route from India to Malta. She died in London.
- Eleanor Starnes (1846-1930) married John Richard Delap Tollemache (1850-1914) in 1872. He was the son of John Tollemache, 1st Baron Tollemache (1805-1890), a landowner and Member of Parliament for Cheshire. Initially a shareholder in a hardware store in Montreal, he left his wife to settle in Nova Scotia in the 1870s, where he became friends with General Sir Patrick McDougall, commander of the British forces in North America. Eleanor sued him for divorce in 1880; he remarried, and she died at her estate in Kent.

A fourth daughter, Elvina Eugénie Starnes (1843-1891), became a nun in the Congregation of the Religious of the Sacred Heart. Her godfather was Louis-Victor Sicotte, lawyer and politician, brother-in-law of Henry Starnes<sup>28</sup>.

Eleanor and Henry also had two sons:

- James Leslie Starnes (1850-1880), a merchant, married Angélique Juchereau Duchesnay (daughter of Jean-Philippe Juchereau Duchesnay and Margaret Wilson), and they had one son.
- Henry Benjamin Starnes (1853-1896), a clerk with the Grand Trunk Railroad, married Charlotte Fitzsimmons of Brockville, and they had three sons.

Eleanore Stuart starnes died in Montreal on November 17, 1901, and is buried in Notre-Dame-des-Neiges Cemetery next to her husband.

### William James Stuart and Mary Ann Oliver

Eleanore's brother and natural son of James Stuart, William Stuart was born about 1819.

After getting his medical degree in 1840 from McGill University, he practiced all his life in 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.

<sup>28</sup> Andrée Désilets, "SICOTTE (Cicot), LOUIS-VICTOR (baptized Louis)," in *Dictionary of Canadian Biography*, vol. 11, University of Toronto/Université Laval, 2003–, accessed July 20, 2025, [https://www.biographi.ca/en/bio/sicotte\\_louis\\_victor\\_11E.html](https://www.biographi.ca/en/bio/sicotte_louis_victor_11E.html).



John Oliver was first a farmer in Montreal. He removed to Napierville where he made a will on November 28, 1843, in which he describes himself as a tavern keeper. His wife, Mary Harrison, and William Stuart, husband of Mary Ann Oliver, are named as his executors<sup>29</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<sup>30</sup>.

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. The first notarial act we have found for William Stuart is a partnership with a physician from Champlain, NY, signed in Napierville on April 7 1843, seven months before the birth of William's first child<sup>31</sup>.

Napierville was at the center of the action in the 1838 *Patriote* rebellion<sup>32</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>33</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. To graduate in 1840, he needed to start his studies no later than 1835 or 1836, at 16 or 17. The only remaining 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 (1853-1927), a merchant in Napierville, bought the house from the estate, which was next to his own, and another son, James William (1843-1916), bought the farm, also next to his<sup>34</sup>.

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<sup>29</sup> Minutes of J.B. Lukin, notary. Will of John Oliver, 28 Nov 1843, no 1129.

<sup>30</sup> This marriage was not found in Montreal or in protestant churches of the Napierville area. The family believes it took place in Champlain NY, but registers from that area are not available between 1717 and 1847.

<sup>31</sup> Minutes of J.B. Lukin, Partnership of William Stuart and William R Adams, 17 Apr 1843, No. 1008

<sup>32</sup> *Napierville, un peu d'histoire*, <https://www.napierville.ca/fr/municipalite/a-propos/un-peu-d-histoire/>

<sup>33</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>34</sup> Minutes of Alexandre Barrette, notary. Inventaire de Mary Ann Oliver, March 17, 1885, act 3136

Henry Oliver Stuart (1846-1926) 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. Although he did get a share of his father's estate, Henry Stuart was disinherited by his mother, because "he has never been of any assistance to me since his father's death".

Two daughters of William and Mary Ann, Eleanor (1857-1932) and Charlotte (1864-1957), married doctors, Louis Marceau of Napierville, and Charles Edgar of North Hatley, and had children.

Two sons, James William Stuart, and Albert Okill Stuart (1862-1915), a merchant, married and had children in Napierville.

The other children, Walter, Angelina (1849-1935), and Emma Stuart (1859-1934) 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 Josephine Dufresne have living descendants, but none named Stuart.

## Conclusion

How was the relationship between James Stuart, Joseph Dufresne and their children Eleanore and William found?

Four notarial documents are essential to identifying James Stuart's illegitimate children and their mother. This investigation can begin either with James Stuart or with the children, whose parents are initially unknown<sup>35</sup>

In searching through documents related to Eleanore Stuart, the first is the quittance she issued in 1868 to the estate of Joseph Dufresne. This document suggests, without specifying it, the existence of a relationship between Eleanore and Dufresne and confirms that Joseph Namur was Dufresne's husband. No comparable document has been found concerning William Stuart.

Starting with James Stuart, the second essential document is Stuart's gift of a house in 1821 to Dufresne, which does not specify the relationship between the parties but also names Namur as the husband. These two deeds were discovered by Cynthia Elder, William Stuart's great-great-granddaughter, who had strong reasons to believe she was in fact descended from James Stuart. For one thing, Albert Okill Stuart, her great-grandfather, bore the unusual name of Stuart's mother. Furthermore, the family was known to be related to Eleanor Stuart Starnes, as her great-uncle had purchased the Starnes' dining room furniture at auction. However, no one knew the name of Eleanore and William's mother.

The documents discovered by Mrs. Elder revealed two others:

- The 1828 quittance from Namur to James Stuart, which appears in the index of names under Stuart and under Namur. This document does not specify any relationships, but points to the decision of the Court of King's Bench, which reveals Eleanore and William Stuart as the children of Dufresne and Stuart.
- Dufresne's will, made in 1865, confirms that Eleanore Stuart, Dufresne's daughter, is indeed the wife of Henry Starnes, and that William Stuart, Dufresne's son, is indeed Dr. William Stuart of Napierville. The date and notary of the will (Pierre Mathieu) are given in Eleanore's receipt to Dufresne. The Mathieu minute book does not contain an index.

In the absence of a baptismal record for William (Protestants do not baptize illegitimate children) or a marriage record between William and Mary Ann Oliver (probably due to the lack of documents in Champlain, NY), Dufresne's will is the only document proving the connection between William and Dufresne.

The relationship between Eleanore and William is also confirmed by the fact that William was a witness at Eleanore's wedding and that the two were godparents to Priscille Namur. If Dufresne had predeceased her husband, while her will, made in 1855 and leaving all her assets to him, was still in effect, the legacy to Eleanore would not have taken place, nor, obviously, would the subsequent receipt.

Even though Eleanore was instrumental in compiling our case, it would technically have been possible to complete it based on Stuart's donation of a house to Dufresne, which did not look like a routine business or family transaction. The discovery of Josephite, Namur, and the children would follow. All that was required was research.

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<sup>35</sup> The main sources used in this research are (1) the index of Québec notarial acts (1637-1935) available on ancestry.com, derived from the chronological indexes which are part of the minute books of certain notaries (2) some notarial acts available online at BaNQ, which include les indexes by name and date for some notaries, et (3) a more complete digital collection of notarial acts but without indexes, available at familysearch.org.