international law establish this. The discoverer who is rewarded by a Patent, is he who, without fraud, brings the knowledge to the sovereign of a fact hitherto not generally known. Again, finding pieces of gold in rivers or strewed about by accident was never assimilated to finding mines, nor subjected to the same policy. The "*or en paillote*" was declared to come "*par forme de manne et grâce de Dieu*," and it was the property of the finder who gathered it, whatever might be his condition. Lamé-Fleury, 116.

If it be true that the owners of the soil are absolutely entitled to all the mines on their property, then the information must fail in so far as regards all portions of Rigaud-Vaudreuil unconceded on the 18th September 1846.

It will, however, be perceived at once that the position taken up by the Attorney-General is somewhat ambiguous. It is one thing to say that the owner of the soil, is owner of the minerals on his land, and quite another to contend that he has an equitable claim to a grant.

As these questions are really those of greatest importance in this suit, and as they are mixed up with other propositions, we shall deal with them later. The only object in mentioning them at this part of the case is, that it may not be supposed they were over-looked in arriving at the conclusion that the Patent in question cannot be set aside owing to fraud or mispresentative on the part of the grantees or any surprise of the government.

The grounds for setting aside the Patent, which are grouped above as 2ndly, 3rdly, 4thly, 5thly and 6thly, set up two pretentions totally different, and to some extent incompatible.

One seems to be that the King of France having made no reservation of the mines of precious metals, they passed to the seignior, as some sort of inexplicable trustee for nobody in particular, that any reservation of such mines in a concession by the seignior was null and void, and that if, in any case, it could be considered good, the seignior had been compensated by the commutation of the tenure.

The other proposition is that the King of France did not part with them to the seignior or to anybody else, and that lawfully the King could not grant them to anybody but the actual owner of the soil, unless the owner refused to work them.

In connection with these propositions we have been referred to the Judgment of the Seigniorial Court, and we have been told, that all its decisions are *choses jugées* as regards the whole world.

There were a good many rather original ideas current at the time of the seigniorial agitation, but I do not remember ever having heard this one. Accidentally I knew a good deal about the earliest suggestion of the Seigniorial Court, and I should have been a good deal surprised if the idea of *chose jugée* had found its way into the statute. The idea of the proposer of the Seigniorial Court was, that these answers should be judicial declarations of the law in the abstract, something akin to *rescripts*, or perhaps more like *responsae prudentum*, for the guidance of the Commissioners to be appointed under the Act, and of the Attorney-General. That this view is the correct one will appear by reference to the 9th section of the Act of 1854, and to Sir Louis Lafontaine's remarks on the functions of the Seigniorial Court.

"Ce tribunal exceptionnel que la Législature a ainsi jugé à propos de créer, composé de tous les juges des deux premières cours du Bas-Canada, est appelé, sans exposé d'aucune espèce particulière à laquelle les lois existantes puissent être appliquées, à prononcer d'une manière abstraite, des décisions, ou plutôt des *rescrits* pour ainsi dire, qui doivent virtuellement déterminer le sort des prétentions respectives des seigneurs et des censitaires." (Questions Seigneuriales, Vol. A, 4 *b*).

The authority of this Court is doubtless very great whether we consider it historically, as a special institution created for the express purpose of overcoming difficulties of a formidable kind, or its composition and the means taken to turn that composition to profit. In a word it seems to me to have been a body legislating under the influence of judicial science—a legislature rather than a Court. Important then as its utterances are, it is not astonishing to find that they do not decide this case, although they do incidentally dispose of some of appellant's pretentions. Under the guidance of these decisions, the Commissioners could not give the appellants, or their *auteur* M. de Léry, any indemnity for mines and minerals. The decision on this point is short and perfectly explicit. (Vol. A 82 *a*), § 3. "Les réserves suivantes, ou autres analogues, étaient illégales et ne don-