

The narrative part of the Patent sets forth that it was granted on the representation of the said grantees that they were "seigniors and proprietors of the fief and seignior of Rigaud-Vaudreuil," &c., "that there are supposed to exist within the limits of the said fief and seignior certain ores, minerals and mines, containing gold and other precious metals of which supposed mines they have made the discovery, and are now desirous of digging and working for their own profit and advantage."

The respondents are the representatives of the said grantees, and it is sought to set aside the said Patent—

1st, Because it "was obtained by deceit, surprise, fraud, misinformation, and misrepresentation, practised by the grantees on the Government of Canada."

2nd, Because in the original grant to Mr. de la Gorgandière, and by the royal confirmation of that grant, there is no special grant of the mines to the seignior, and no reservation of them by the king, in fact no mention of them at all, except in so far as the Seignior is enjoined, "*De donner avis à Sa Majesté ou à nous et à nos successeurs des mines, minières, minérales, si aucuns se trouvent en la dite étendue*" of land so conceded as a fief.

3rd, That the Seigniorial Court had decided that "all reservations of mines by the Seignior were and are illegal, null and void, in all cases when the original grant contains no such reservations."

4th, That by the Seigniorial Act and the making of the *cadastre* all the rights of the Seignior, as such, were liquidated.

5th, That the *cessitaires* of the Seignior, and particularly one Archibald McDonald, have represented that no action had been taken by the de Léry Mining Company, to test the validity of the De Léry Patent, and that the Company had not settled amicably with the *cessitaires*.

6th, That portions of the Seignior had been conceded by the Seignior long before the grant of the Patent, and some portions since.

7th, The non-fulfilment by the grantees of the conditions of the grant.

8th, Irregularities in the Patents.

9th, That the grant to M. de la Gorgandière was not a grant of the Seignior in question.

These seem to cover in general words the grounds on which the Attorney-General relies

in order to obtain his conclusions; namely, that it be declared that the Letters Patent of the 18th Sept., 1846, were illegally and improvidently issued, that they are null and void, and that they be annulled and set aside, and that the enrollment and enregistration thereof be cancelled."

The deceit, fraud, surprise and misinformation is said to consist (a) in the fact that the grantees were not the owners of the soil in their seignior, the Seignior not having any proprietary rights in his seignior, part being conceded and part being held by the Seignior subject to obligatory concessions; (b) that the grantees were not discoverers, but that gold had been found there before by several persons.

It is also said there was a mis-recital in the deed, and, we may presume, it is intended we should understand, although not particularly alleged, that the *auteur* of the grantees of the Patent was never owner of the fief in question, and, finally, it is insisted that the owners of the soil (presumably the *cessitaires* are intended) were entitled to a grant of these mines, and that the Crown could not grant a Patent to work mines till after the owner of the soil had refused to work them.

If the Attorney-General fails in his suit, it will not be for want of the allegation of grievances. Part of those complained of are met by a simple denial of the fact alleged, supported by the averments of the Patent and of the information itself. Whatever may be the legal value of the argument that a Seignior had no proprietary rights in the fief conceded to him and that he had no rights in the soil, it appears the grantees only represented that they were seigniors and proprietors of the fief and seignior of Rigaud-Vaudreuil, and this fact is not denied. So they only averred that they owned what that title gave them. They say to the Crown, we hold from the Crown, what the King of France gave us by a title that is perfectly known, and it is idle to pretend that the Crown could have been deceived in the matter.

As to the grantees not being discoverers, it seems that the information confounds the grounds for setting aside Patents of Invention, with those for setting aside Patents to discoverers. Obviously the inventor is an originator, while the discoverer is not. History and