

**THE ONTARIO AND QUEBEC APPEAL COURTS—PROGRESS OF BUSINESS.**

We have already mentioned that the Ontario Court of Appeals is encumbered by a list of inscriptions even longer than that of our Quebec Court, although it is not embarrassed by having to sit in two cities, 180 miles apart. Nevertheless it seems their lordships of Ontario do not think that business will be facilitated by sitting continually, regardless of what is to follow the arguments. Accordingly, we read in the Toronto journals of the 13th, that on the 12th—"At the opening of the Court of Appeal at Osgoode hall, Chief Justice Spragge remarked that he understood both bench and bar were of opinion that it would facilitate the speedy administration of justice if the court should adjourn until decisions had been given in the cases already argued, and now standing for judgment before them. Mr. C. Robinson, Q.C., stated that he had spoken to several members of the profession on the subject, and all were of opinion that the suggestion of his Lordship should be acted upon. The Court, therefore, will not sit again until the eighth of January, except for the hearing of election cases." When our Quebec Court met in Montreal on the 12th instant, there were 18 *délibérés* from the last Montreal term and 12 from the Quebec December term. Up to Saturday, 15th, there were twelve more cases taken *en délibéré*, making 42. On Monday five judgments were rendered, reducing the list of *délibérés* to 37. From Monday to Thursday afternoon, date of present writing, 13 cases were heard, bringing the list of *délibérés* up to 50.

**NOTES OF CASES.**

**COURT OF QUEEN'S BENCH.**

QUEBEC, December 7, 1883.

DORION, C.J., MONK, RAMSAY, TESSIER & BABY, JJ.

REGINA v. DELERY et al.

*Mining Rights—Rights of the Sovereign—Letters Patent.*

1. *By the old law of France, which is in force in Canada, the right to minerals did not pass by a grant of lands to the grantee, without special words, but remained in the Sovereign.*
2. *The King of England, at the Cession, succeeded to this right.*

3. *The Sovereign could grant the right to minerals to whomsoever he pleased, and in such case the owners of the soil had no right except to an indemnity for any damages they might suffer by the mining operations.*

The judgment appealed from was rendered by the Superior Court, Quebec (Caron, J.) See 9 Q. L. R. 225.

RAMSAY, J. This is an information by the Attorney-General of the Province of Quebec, in the nature of a *scire facias*, questioning the validity of Letters Patent of the late Province of Canada granting to Dame Marie Josephite Fraser, Charles Joseph Chaussegros de Léry, Alexandre René Chaussegros de Léry, their heirs and assigns for ever, the right to mine for "gold and other precious metals" within the limits of the fief and seigniorship of Rigaud-Vaudreuil, the property of the grantees.

The conditions on which this grant was made were :

1st. That the grantors "shall well and truly pay to other our loving subjects such damages and compensation as may from time to time accrue in consequence of the ground occupied by the opening of roads and other like causes resulting from the operations in working the said mines; 2nd, that the grantees before working the mines should transmit and deposit with our secretary of the Province of Canada "a true and correct statement of the nature, situation, and extent of said ores, minerals, and mines"; 3rd, that the said grantees should transmit in each and every year to the Receiver-General of the Province a true and correct account of the gross produce of the same, in such form and manner as may thereafter be directed; 4th, that the grantees should "well and truly pay and deliver in each and every year, from the time of melting the said ores for the first time in working furnaces, to the Receiver-General, one net tenth part of the whole gross produce of the said ores, minerals, and substances, &c., "the said one tenth part being melted, cast and prepared in the same manner as the like may be for the behoof" of the said grantees; and refined according to the laws of France as confirmed by the Edict of the month of June, 1601.

And the patentees were further granted a remission of the payment of the tenth for five years from the date of the patent—that is from 18th Sept., 1846.