

rence to that question, as reported at P. 80 (a) of volume A of the L. C. Reports of 1856, is thus stated :

OWNERSHIP
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SEIGNIORIAL
COURT and
their Judg-
ment.

"1°. Custom seems to have sanctioned the reservation of timber for the building of the manor-house, mills and churches without indemnity ; moreover, such reservations were made for the general good, and were calculated to promote the settlement of the country."

"2°. The reservation of firewood for the use of the Seignior, has not received the same sanction, and is repugnant to the principle of the feudal contract which gives to the *Censitaire* the entire property of the DOMINIUM UTILE (*domaine utile*) ; THEREFORE all such reservations are NULL, and cannot give rise to any indemnity."

"3°. The same thing must be said of marketable timber."

"4°. THE SAME with regard to the reservation of all mines, quarries, sand, stone and other materials of the like kind, except the reservation of mines in favor of the King or *Suzerain*, according to the conditions set forth in the Original grants of Seigniories and *Fiefs*."

&c., &c., &c., &c., &c.,

"None of the reservations DECLARED NULL and illegal in the above enumeration, give to the Seigniors a right to be indemnified FOR THE SUPPRESSION of them, in virtue of the Seigniorial Act of 1854."

Sec. 257.—That legal Proposition of the Crown The same.

distinctly states that all reservations as to mines are illegal, as being inconsistent with the nature of the feudal compact, unless there is a reservation to that effect in the Original grant, and that all feudal rights, even when existing under a reservation of the mines by the Crown in the Original Grant, have been suppressed by the Seigniorial Act of 1854. The Proposition goes still further and declares that the *censitaire*, by the very nature of the feudal compact, is entitled to all the *domaine utile* of his land. It seems to the Plaintiffs that nothing can be clearer.

Sec. 258.—Now let us see what was the answer, The same.

the solemn judgment of the Seigniorial Court, upon that Proposition of the Crown. That decision is found reported at P. 82 (a) of Volume A of the L. C. Reports for 1856 ; it runs thus :

"§ 3. The following reservations or others analogous to them, were illegal and do not give to the Seignior, a right to any indemnity by reason of their SUPPRESSION."

"Art. 1. A reservation of firewood for the use of the Seignior."

"Art. 2. A reservation of all marketable timber."

"Art. 3. A reservation of all mines, quarries, sand, stone and other materials of the same kind."

&c., &c., &c., &c.