

do not know the precise form of such letters patent; and I am led to believe that the form has varied at different times, and in different cases. But it seems clear that under paragraph 1435 of the Quebec law hitherto in force, the right to exact royalty is qualified by the phrase, "unless such royalty be otherwise established by letters patent or other title from the Crown," the latter half of which is omitted in the new law. Moreover, that paragraph confines to gold, silver and phosphate of lime the royalty therein specially referred to.

Paragraph 1425 of the old law provides for the purchase of the mining rights expressly reserved by the Government in letters patent granted before July 24, 1880; and the only requisite is a payment of additional sums, sufficient with former payments to make \$2 per acre for gold or silver, and \$1 per acre for other metals.

Paragraphs 1423, and 1426 to 1434 inclusive, provide similarly for all cases arising under letters patent; and the last named paragraph, together with paragraph 1545, authorises the increase from time to time, by the Lieutenant-Governor in Council, but cannot be construed as affecting the rights of those who had before such increase made the prescribed payment, and in the language of paragraph 1425 *purchased* the mining rights. In other paragraphs, the phrase is sometimes varied, and the right to "work" the mines is mentioned, but without any limitation as to time; and it is impossible to construe the payment per acre, thus provided for, as anything else than a purchase outright, or the tender and acceptance of a lump sum in lieu of all royalty forever.

The new law seems to levy a royalty even upon mines, the rights to which have been legally alienated from the Crown already. I have no doubt that if this be held to be its force, it will stand self-condemned as unconstitutional. Such a levy is no longer royalty at all. It is illegal taxation, or rather confiscation. Probably words are wasted in discussing this possible aspect of the case. The courts of a free country may be relied upon to defeat any such formal violation of justice.

But in another aspect the legal remedy may not be so clear; and the view I venture to suggest is therefore offered with less confidence. Yet it seems clear to me that the land owners coming under the provisions of the old law above cited have certain vested rights, aside from those which they may have acquired by supplementary payments per acre, or by absolute purchase in any other way of the mining rights of the Crown.

The law taken as a whole, embodies the inducements held out by the Government to purchasers of land. One of them is, that the purchaser of agricultural land may, if he find ores of iron, copper, etc., buy for an additional sum per acre the right to such deposits. If he afterwards finds gold, silver, or phosphate, a further payment per acre will buy the right to these also. He is warned by paragraph 1434 that these prices per acre may be increased at any time; by paragraph 1435 that, as to gold, silver and phosphate,