

interval of ground is in the Crown, as a front of the river, such ground can only, in justice as well as in equity, be made to the Riparian proprietor—and although a difference of opinion may be pretended to exist as to whether the Riparian proprietor of land lying upon a navigable river, bounded by that river, is not in Law entitled to the interval between high and low water mark, yet the weight of authority is decidedly in favour of the Riparian proprietor, and this has confessedly the sanction of the Roman Law, and has been adopted in the modern code of France, and it has also received the sanction of the Court of Appeals in a Judgment rendered in that Court as late as November 1830, in the case of Fournier, appellant, and Oliva, respondent, a report whereof is annexed,* and it is a fact, that can be tested by enquiry, that in no instance whatever, that has taken place in Canada East (formerly Lower Canada,) *has ever the beach in front of a Riparian proprietor been conceded to another without a preference of taking the same being first offered to such proprietor.*

That Your Memorialists pray Your Lordship to cause an enquiry to be made into all the circumstances of their case with a view to a full understanding of its merits being arrived at, and a just decision being had, as well in regard to the law which prevails in this Province as respects Riparian proprietors, as with deference to the custom and usage which prevail within it—of the Crown making grants of the Beaches to such proprietors in preference to any other, and that Your Lordship will direct that Your Memorialists be maintained in their rights, and that they do receive a grant of the Beach in question, the same being in front of their property at l'Ance des Mères.

Quebec, 9th February, 1842.

* Appendix (No. 3)