

OWNERSHIP
OF MINES.
SEIGNIORIAL
COURT AND
their
Judgment.

Seigniorial
Court, Judg-
ment and
Cadastré have
annihilated
Patent, even
were it a valid
grant.

bit such joint possession, and POTHIER, *propriété*, Part 2, ch : 1 No 16, establishes, what hardly needed proof, namely, that there can be no two adverse possessions of the same thing.

Sec. 253.—

Apart from the great authority of the decision of the *Cour de Cassation* above-referred to let us see if we cannot find, in the "Seigniorial Act of 1854" and its amendements, and in the decisions of the Seigniorial Court thereunder, sufficient to convince the most sceptical, that, even if the "*DE LERY-Patent*", were a valid instrument and had conveyed the rights claimed under it, yet, on the day when the *cadastre* of the Seigniority was deposited, those pretended rights became a thing of the past and annihilated. Of the men who made the solution of that great Feudal Problem a life long study, yet lived to see their labors crowned with success, we shall say but litt'e, as they still live in our midst. One figure, in that group of distinguished men, the Attorney General of that day, stands out in bolder relief, remarkable for the courage with which he grappled with, and mastered, the difficulties of a position that, for half a century, had embarrassed the minds of succeeding statesmen here. Suffice it to say that the Seigniorial Court, the crowning act in that grand and peaceful Canadian Revolution, deterged from our midst that blemish on the body politic, which it required rivers of blood finally to blot out in France.

The same,

Sec. 254.—

The preamble of that act, 18 viet : ch : 3 (C. S. for L. C. ch : 41), declares : " it is expedient to "*abolis. all feudal rights and duties*, whether bearing upon " the *Censitaire*, or upon the Seignior " and that great advantages must result from the " substitution of a *free tenure* for " that under which property hath heretofore been held. " We have already shewn that the Roman Law, and its offshoot, the Common Law of France, and the Laws, from time to time, promulgated by the Sovereign, made no distinction between mines of gold and silver, and mines of other metals ; and MERLIN (cited at P. 61 *et seq* : of this Factum) conclusively established, and the *Cour de Cassation* held, that the rights claimed by the Seigniors of Hainault for grants of mining-privileges had been swept away by the abolition of the feudal tenure in France. If, under the French Law, a claim to mines on private lands were thus so'lemnly held to be a feudal burthen in France, and extinguished in France