

such vested in the Crown, the appellants could not maintain their action; nor could His Majesty by his letters patent of the 14th september, 1831, have conveyed it to the appellants, as all His Majesty's rights in and about the harbour of *Cul-de-Sac* are by the prov. stat. 51 Geo. III, ch. 12, vested in the corporation of the Trinity House of Quebec. But the ground thus recovered from the river cannot be considered as public property nor vested in the crown; for, as the waters receded this ground became the property of the proprietors of the adjoining lots of ground, and was held by them upon the same terms and conditions and under the same title as those adjoining lots were held. The whole of the writers on the subject of *alluvion* establish this principle beyond a doubt. Alluvion is described as of two kinds "l'une quant un fleuve rapporte peu à peu au fonds voisin des amas de terre, de sable ou de gravier qui s'y consolident, l'autre quand détournant peu à peu ses eaux changeant imperceptiblement de cours il laisse le sol de son lit s'unir à mesure au fond riverain. En effet l'une et l'autre manière entrent dans notre définition." (1) And the soil thus recovered from the river is declared to be the property of the adjoining proprietor whether he be Seignior or *Censitaire* (2). Some of these writers however make this exception, that where the title of the adjoining proprietor is limited to a certain specific quantity of ground whether feet or acres, in such case no increase of soil, by the receding of the waters or otherwise can increase the extent of the property; but the greater number of the writers do not

(1) Prost. de Royer verbo *alluvion*, p. 278, no. 1.

(2) Nouv. Dénizart verbo *alluvion*, § 1, no. 1. § 2, nos. 182, 45 et 8, § 3, no. 1; Prost. de Royer, verbo *alluvion*, p. 278, no. 1; Lefevre de la Planche liv. 1, ch. 13, p. 24; Rép. de Juris. verbo *alluvion*, p. 329; Henrion de Penscy, Dissert. Féodales, Tit. des Eaux, § 6, p. 648; Bacquet, Dr. de Just. ch. 30, no. 8; 1 Desp. Tit. 5, Des Justices, art. 3, sect. 9, no. 10, p. 215; Dict. de Ferrière, verbo *alluvion*; Berthelot de Fenier Traité des Droits et Domaines du Roi, ch. 31, p. 105; Hervé Mat. Feod. Des Rivières, p. 259, 260, 263.