

might have succeeded. But these officers exercised very different powers from those vested in us, and a very great latitude was allowed them in the interpretation and execution of the Laws, which is not allowed us. It would seem that it was sufficient for these officers to know the intention of the Sovereign, in order to impose a duty or an obligation, without its being necessary that such intention should be expressed in a law; while in a case like this, with the powers which we exercise, we must confine ourselves to the letter of the law.

In order to show what the extraordinary powers were, that the authorities under the French Government exercised from time to time, in respect to the Concession of lands, I refer to a judgment of the 20th July, 1733. (1) "which on the petition of the Seigniors of Portneuf, condemns the Censitaires of the said Seignior to furnish them copies of their deeds, and those who have not taken them, to procure the same on the same conditions as the former ones, unless they would rather submit to the rent of thirty *sols* and one capon for each arpent in front by thirty arpents in depth, of six *deniers* of *cens* and the eleventh fish, which choice they will be bound to make, or leave the choice to the Seignior, &c.

I refer also to an enactment of the 4th October, 1743, passed by virtue of orders from the King, requiring the Seigniors of the Mingan Island, to concede certain Islands, on the condition of the payment of a *redevance* of three per cent upon the Seal Skins and Seal Oil prepared by the Censitaires. (2.)

I refer, moreover, to an Ordinance of the 27th May, 1758, which subjects all lands within the domain of the Crown, in the city of Quebec, to an annual payment of five *sols* six *deniers* per arpent, and those of the *banlieue* to one *denier* per arpent. (3.)

With respect to the *Arrêt* of 1711, the obligations which it imposes upon the Seigniors, as regards the concession of lands are in the following terms:

"And His Majesty ordains also, that all the Seigniors in the said Country of New France, shall concede to the settlers the lots of land which they may demand of them in their Seigniories, at a ground rent, and without exacting from them any sum of money as a consideration for such concessions."

This *arrêt* does not define the rate at which the Seigniors were to concede their lands to the Censitaires, but it is evident, from the provisions therein contained, with respect to the rate at which the Governor, Lieutenant General and Intendant were bound to concede, and it appears from divers *arrêts* and regulations, that the intention of the Kings of France was to oblige the Seigniors to concede their lands at the ordinary rates, and that these rates were less than those charged at the present day. Many persons believed, formerly, that there must have been a law in existence in the colony, regulating the rate of concessions, and determining the maximum thereof. It is nevertheless universally admitted, I believe, that this supposition had no foundation. The Courts of Justice then, in this Colony, in the presence of a law obliging the Seignior to concede and in the absence of any law fixing the rate of concessions,

(1) 2 Edits et Ordonnance, p. LXXI of Table.

(2) 2 Edits et Ordonnance, p. LXXXII of Table.

(3) 2 Edits et Ordonnance, p. 121.