

property of some hundreds of thousands of people, —and all without appeal; and afterwards, they will together have to sit as an extraordinary Court, and adjudge upon a class of causes, the most intricate and difficult, as well in respect of law as in respect of fact, that ingenuity could well devise. On the other hand, however, it might not do to say they shall be lawyers; for the Advocate is not usually eminent as an investigator of accounts and settler of values of all kinds, as we shall see these Commissioners are bound to be. They are to be sworn to perform their duty. I hope they may be able. But they had need be all but omniscient.

By the forty seventh Section it is to be enacted that each of them is to draw up in triplicate, a tabular Schedule of all the lands in each of the Seigniories to be allotted to him,—showing the amount of the redemption money for each lot of land, and distinguishing such redemption money in every case, into three parts, that is to say, the price set on the yearly fixed charges, on the banality, and on the casual rights.

The forty eighth Section gives some instructions, as to how these prices are to be set.

The yearly fixed charges, we are told, are to be rated at the capital represented by them at 6 per cent. And if this rule were carried out, there would on this score be nothing to complain of. But it is not. There is first to be met the case of the charges stipulated in kind; and how is this met? The Commissioner is to value the articles stipulated, according to their prices as "taken from the books of the merchants nearest to the place;" and he is to come at his average, by taking the values of each of the last 14 years, thus ascertained, then striking off the 2 highest and the 2 lowest, and lastly striking the average of the remaining 10. Then, the value of all *corvées* or stipulated labor, is to be turned into money by the same not very easy process. And then, the postscript follows; that the whole "shall in no case be calculated at a higher rate than two pence per annum for each superficial arpent of the land subject to such annual charges, unless the said land be a town or village lot."

Of course, after all that has preceded in the Bill, this last provision could not but follow. But it is not the less a direct reversal of the professed principle of this valuation, that the price of redemption of these charges is to be the capital sum they represent.

Besides,—not to speak of the cumbronsness of this procedure for valuing charges in kind and labor, of the impossibility of the Commissioner's ordinarily finding the evidence that he is told to take, and of its unreliable character when he may find it,—on what principle are 4 years out of the 14 to be struck off? If 14 years are to be looked up, the average from them all will be a truer average, than one drawn from any 10 of them. And in truth, on what principle of right, is an average of any number of past years to be taken at all? Because prices as a general rule have been rising; so that a money value of some years ago will be lower than the money value of to-day? Or on what principle, as I have already urged, on what principle turn all into money,—when, as we shall see, it is not cash payment or even payment within any term of time whatever, that is contemplated? Above all, why cut the result down, to a mo-

ney *maximum*? Unless, indeed, it be that nothing short of the *maximum* of wrong that can incidentally be inflicted on the Seigneur, will suffice to meet the exigencies of this peculiar case?

For the setting of his value on the banality rights of the Seigneur over each lot, our Commissioner is thus directed:—

"To establish the price of redemption of the right of banality, an estimate shall be made of the decrease in the annual receipts of the banal mills to arise from the suppression of the right of banality and from the inhabitants being freed therefrom; the amount of the said estimate shall represent the interest at six per cent, of the capital which shall be the price of redemption of the banality for the whole of the Seigniory, and the said capital shall be apportioned among all the lands subject thereto, according to their superficial extent."

Good. But how is he to make this estimate? And when? If immediately, what will it be, but a sheer guess? Five years hence, or ten? Is the whole machine to stand still so long? And if it were; to what use? For 5 years or 10, no new mill may be built in my Seigniory; and I may in that case have lost nothing. The next year, when I have been pronounced to have lost nothing, an enterprising miller steps in; and I find I have lost all.

Further,—though, perhaps, the ending part of this clause may seem to be more my *consulaires'* business than mine,—I cannot help asking myself, why this value of my banality thus to be guessed at for my whole Seigniory, is to be "apportioned among all the lands subject thereto, according to their superficial extent?" Is it merely, that the poor *consulaire* who keeps hearth and home, by keeping up an intention to cut his firewood, on 90 arpents of land that he can hardly sell for its very worthlessness, may have to pay as much to clear it from my banality, as his neighbour is to pay to the same end, for the 90 arpents, all laid down in grain, that form part of his abundant wealth? Or, is it also, that the extent of my unconceded lands, which I am not to keep, may be made a pretext for throwing only a part of the price of my banality, on those who ought to pay it to me in full?

My casual rights are to be valued by the same sort of process as my rents in kind; that is to say, by an average of 10 years out of 14. Again, I ask why? Perhaps, because income from *lods et ventes*, is the most fluctuating and uncertain income possible. The revenue of the years struck out as highest or lowest may affect the average to any conceivable amount, or to none at all; just as it shall happen. For example, from the public returns of the *quint* revenue of the Crown, (a revenue precisely analogous to the Seigneur's revenue from *lods et ventes*.) I find its average for 38 years ending in 1842, was £836 5s 5d. The maximum year's receipt during that term was £2856 17s 5d; the minimum £5 6s 4d. In 1845, it was £3,470 13s 8d; in 1847, £2 3s —d; in 1851, *nothing*.

But, aside from the objection arising out of these fluctuations, the chances of course are, that a revenue thus valued at an average of past years, will be set below its value. In an old country, this might not be so much the case. But we have here a new country, with its fast-changing