

"to concede to the said *Habitans* the lands demanded by them in the said seigniories, for the same dues as are laid upon the other conceded lands in the said seigniories; which dues shall be paid by the new settlers (*nouveaux Habitans*) into the hands of the Receiver of His Majesty's domain, in the City of Quebec, without its being in the power of the Seigniors to claim from them any dues of any kind whatever."

What, now, does this *Arrêt* amount to? The King has been told that certain Seigniors have not settled their lands; and he says, if they do not do so, he will take their Seigniories away from them,—a course of procedure which he had threatened before, but had never carried out. This course, however, was now to be taken through the agency of the Attorney General as prosecuting officer, and by the Governor and Intendant acting conjointly. The King further says, that he learns that certain Seigniors refuse to grant to *Habitans*, unless they get cash payment, and that this keeps back the settlement of the country; which being contrary to his royal intention, he orders that they shall be bound to make grants without any payment in money. The word used to express the dues to be stipulated, is not *cens*, but *redevance*, a general word, which does not necessarily imply a holding *à titre de cens*. I do not mean to say that this kind of holding was not present to the mind of those who drafted the *Arrêt*; but I do say, that the thing commanded is, merely, that the Seigniors should grant in consideration of future dues, *redevances*, to be stipulated,—in other words, that they should grant on a sort of credit, instead of insisting on a consideration in cash. If it had been intended that the grants must be *à titre de cens*, why was not the appropriate and definite word employed? If it had been intended to fix a constant rate, why was not that rate mentioned? Randot, as we have seen, in 1707 and 1708 had called attention to the variety of rates prevailing in the country; and yet, acquainted with that fact, and after his minister had called on Messrs. Deshaguais and D'Aguesseau to draft an Edict on the subject, what does the King do? Do we find him say, you shall concede at so much, *à titre de cens*? Not at all. You are to concede, he says, for *redevances*—and without exacting ready money. What again is the one penalty imposed? It is explicitly stated in the *Arrêt*. The Attorney General shall prosecute you, it says to the Seigniors, and shall confiscate your land, if you fail to settle; and if you refuse to concede at *redevances*, and insist on cash, we permit the *Habitans* to implead you. What was to be done then? Was the land, in that case, to be granted at any one fixed rate? Not at all: we know that the King knew there was no fixed rate in the country; for the fact, as we have seen, had been brought under his notice. The land demanded by the complaining *Habitant*, was to be granted by the Governor and Intendant acting conjointly, and this for the Crown—not for the Seignior—and it was to be so granted at the rates of the other lands in the seignior. These were vague words, which might do when the officers of a despotic master had but to refer to him on all occasions to find out his will; but they are words altogether too uncertain for any legal purpose now. The fact was, the Seigniors were by law at liberty to do what they pleased, in the way of granting their land *à titre de redevance*, or refusing so to do and insisting on cash. This *Arrêt* purported to take from them the right of so refusing. But it did not take from them the right of making any bargain that any *Habitant* might be willing to make with them,—whether as to rate of dues or otherwise. Supposing, indeed, any Seignior, instead of refusing a grant, to have insisted on some enormous rate of rent, such as the *Habitant* could not in reason be called upon to give, that might well enough have been taken, according to the spirit of the law, for a refusal; and the Governor and Intendant might then have granted the land: that is to say, if really the *Arrêt* had been ever acted upon—as I will presently show there is no reason to believe it ever was. But I repeat; the *Arrêt* did not make it illegal to dispose of land otherwise than by grant *à cens*. It was only in case, upon application, the Seignior refused to grant *à titre de redevance*, that the law became applicable, and his land grantable by the Governor and Intendant; in which case the dues were to be paid to the Crown and not to him.

But this *Arrêt* was coupled with another, to be found on page 246 of the same Volume; and how is it that those who are so anxious to enforce (as they pretend) the first, show no anxiety to enforce the second also? This second *Arrêt* sets forth, that the King had been informed that the *Censitaires* did not live on their grants;