

"ing to hold lands *en roture*, (in so far as present circumstances will permit,) the rights and immunities secured to them by law as interpreted and administered at the last mentioned period, it is at the same time just that Seigniors who have enjoyed lucrative privileges, of which they will in future be deprived by this Act, notwithstanding the enjoyment of such privileges may have been sanctioned by the said tribunals since they ceased to exercise the aforesaid powers, should be indemnified for the losses they will suffer from the manner in which the rights to be hereafter exercised by Seigniors are defined by this Act. Be it therefore enacted,—That it shall be lawful for any Seignior to lay before the said Commissioners, a statement in detail of the amount of loss sustained or thereafter to be sustained by him, by reason of his having been curtailed, limited or restrained by this Act, in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act."

When the Seignior's land is wanted by any person, we have seen how, summarily and without appeal, one Judge is to take it from him.—When his contract, with his *censitaire* is to be enforced, we have seen how formally and deliberately and subject to appeal, a Court of three Judges is not to enforce it. When his rights are to be first undervalued, and then cut down below such undervaluing, we have seen how, again summarily and without appeal, one Commissioner is to do all that that case requires. We have now to see how, after loss suffered by the Seignior from these processes, loss amounting (it well may be) to ruin, he is to proceed, hopefully if he can, formally and subject to appeal at all events, with his after prayer for some measure of indemnity for his loss.

He is to begin, by laying before the three Commissioners—not before one—his precise statement in detail of the amount of loss sustained or thereafter to be sustained by him, by reason of his having been curtailed, limited or restrained by this Act, in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act." All I can say, is, that any Seignior who shall sit down to make his statement for himself, will find it pretty hard; and any one who shall get it done for him, will find it pretty costly. A statement in detail, of all his losses by this Bill? Why, the best lawyer, and the best accountant and man of figures, in the country, together, could not draw it as it had need be drawn.—And all would depend on a detail of facts, which if denied, no man could prove. It would be the procedure the most difficult and sure to fail, that could be; worse, if possible, than the suing of five hundred *censitaires* together, for failure to keep hearth and home on land, by reserving it for cutting firewood.

Well; by the following Sections it is set forth, that my "statement or petition," when ready, is to be filed "in duplicate" with the Commissioners; who, after handing the duplicate of it to the Secretary of the Province, are to meet and take the

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matter into consideration, first giving notice by advertisement, of the when and where. Whenever the interests of the Crown may require it, the Attorney General or other Counsel duly authorized, is to represent Her Majesty, and oppose the prayer of the petition. And, as the interest of the Crown will require this in all cases,—the indemnity coming out of a public fund,—it will of course always be the duty of the Attorney General or his deputy, to oppose and sift the statements (of law and fact) of every petitioner.

The Commissioners—not necessarily professional men—are to sit as Judges; and, after hearing the petitioner "in person or by attorney," and the Crown by the Attorney General or otherwise, are to render their judgment in writing. And by the Seventy eighth Section, it is specially provided that "every such judgment shall contain the grounds thereof." No easy matter. Petition in detail; judgment in detail; reasons in detail. The Commissioners may find their job as hard as the Seignior will have previously found his. It is the Seignior's remedy that is in question. Delay and difficulty are no matter.

Certainly not. By the Seventy ninth Section, he is to have the right of appeal—as also is the Crown—to the Queen's Bench; and thence, to the Privy Council, whenever (as must commonly be the case) the demand shall amount to £500 Sterling.—Such appeal, upon such matter, may be slow and costly. Still no matter.

The next clause, the Eightieth, carries us one step further; and had need be read carefully, for its tenor to be seized, or credited:—

"LXXX. The said Commissioners, and the Courts which shall hear any such petition in appeal, shall reject every demand for indemnity based on the privilege granted by this Act, to persons possessing lands *en roture* to free them from that tenure by the redemption of the dues with which they are charged, and shall establish the amount of indemnity due to the petitioner, only upon the difference existing between the manner in which the rights hereafter to be exercised by the Seignior are defined by this Act, and that by which the rights they exercised before the passing of this Act would have been interpreted if this Act had not been passed."

The question is not then to be, how much the petitioner has lost. No loss to result from the piece-meal and round-about way in which his rights are to be (as the phrase is) redeemed,—no loss from any under-valuing or cutting down of them, in the redemption schedules,—no loss, even, from any quantity of sheer mistake that a Commissioner may have made in such Schedules,—is not to count. The measure of his loss is to be the difference between two unknown quantities,—between "the manner in which his rights hereafter to be exercised are defined by this Bill, and that in which his rights as now exercised would have been interpreted but for this Bill." Ascertained, such difference would not compensate him. But how ascertain it? How state it in his petition? How prove it before the Commissioners? How get it written, and the grounds of it set forth in their judgment? How attack or defend it in appeal? This Bill purports to call it doubtful, how his rights as now exercised should or would be interpreted at law. Suppose the Commissioners to hold the recitals of this Bill; to define these rights