

CASE.

We have heard much of the "*usurpations*" of the Seigneurs. Their properties and titles have often been the objects of attacks, frequently gotten up for political purposes, and always founded on unsound ideas, sometimes of the rights of the censitaires, sometimes of those of the Seigneurs.

Strange that of the hundreds of thousands of censitaires aggrieved by such "illegal and oppressive" rents and duties as we have heard of, not one has appeared here!

However differently individuals may view the Seigniorial Act of 1854, public opinion seems formed that much good must result from it to the country at large.

That none may suffer through errors of law, the Attorney General has been ordered by it to frame such questions as he might see fit; in the present paper it is proposed to take up on behalf of the Seigneurs some of the questions by him submitted to this Court, and to examine their subject matter.

The first five have for object to establish what was the *droit féodal* in the Custom of Paris, at the time of the introduction of that Custom into Canada. What was the nature of the *contrat d'inféodation*? What the nature of the *contrat d'accensement*?

The sixth, seventh and eighth questions enquire as to whether it was necessary, in transferring this system into Canada, to make the granting or concession of lands binding on all Seigniors.

The ninth to the sixteenth enquire as to whether the Canadian Seigneurs were bound to concede *à titre de redevances, à un taux fixe*; whether they were trustees merely for colonizing the country.

The sixteenth enquires whether the arrêts of Marly were in force here at the cession.

The eighteenth enquires whether certain laws (the arrêts of Marly being those more particularly meant) were *d'ordre public*.

The nineteenth and twentieth enquire as to whether private individuals could contract contrarily to those laws, and as to whether such contracts were void or voidable.

The questions following, to the twenty-fifth inclusively, enquire as to whether those laws have been in force since the cession, whether there have been tribunals competent to exercise the jurisdiction conferred by the arrêt of Marly of 1711, whether there have been tribunals competent to declare the nullity of