

proprietor. The timber on the unconceded lands of the seigniories in France, appears not only to have been considered of a domanial nature, but when under *les ordonnances des eaux et forêts* of 1669, which continued in force 1792. Timber was taken for the royal navy, the seigniors were paid the value of the timber so taken, and it seems quite incontestable and beyond all manner of doubt that, where property was held to be seigniorial under the maxim: *nulle terre sans seigneur*, the right of property in the timber on the lands was just as entirely and completely vested in the proprietor of the lands as the right of property in any other immoveable or real estate whatsoever.

4th. By these bills the seigniors in Canada are deprived of the control over unnavigable rivers, within their seigniories, and of the property in the beds of such rivers, thus summarily and arbitrarily interfering with the rights of property, and assuming as a fact and legislating on, that which is not only very doubtful, but has created so much difficulty as not to be settled in France up to the present time; and while this enactment is to take place in Canada, from the avowed reason that possibly those seigniors who were high justices in Canada, held some of their rights and privileges as high justices and not as seigniors, yet the same enactments are rendered applicable to lands and rivers held under the maxim of law *nulle terre sans seigneur* where the seigniors or proprietors were not high justiciars, and under which tenure, in France, all such property appears beyond all manner of doubt to have been held as fully and entirely as any other property or immoveable whatever.

5th. The undersigned and his predecessors have erected extensive and valuable saw mills, and under sanction of the law and custom of the country have at all times freely exercised the right of property in the timber on his seignior and lands, but by the enactments of these bills the seignior or proprietor is deprived of the right of property in the timber on his seignior and lands, and consequently those extensive and valuable saw mills will in fact virtually be confiscated. The arrêt of the King of France of 1711, for the protection of the seignior, and to enforce the actual settlement and improvement of the country, being abrogated, or set aside by those bills, and the granting unconditionally of the unconceded lands to all who may demand of them rendered obligatory on the seignior, it inevitably follows that land jobbers and speculators are to be empowered to demand the concession to them of the whole of the lands on which there is timber, and without any intention of the improvement or settlement of those lands, but for the express purpose of cutting and selling the timber, leaving the lands denuded and waste, and this deteriorated, no longer in a fit state to be conceded for actual settlement and improvement, and the seignior without any recourse whatsoever, unless that of resuming the lands after the whole of the timber has been cut and carried off.

(Signed,)

PETER BURNET.

Nice, Italy, April, 1852.

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*N. B.—The documents which follow the above are omitted here, being already inserted, as published by order of the Legislative Council, at the commencement of the foregoing Correspondence between the Colonial Office and the Governors of Canada, relative to the Seigniorial and Feudal Tenure.*