

could clear land faster than the man without. Or as though, in these days, he were to be rewarded by the state, as for public service rendered.

The Fourth Section proceeds thus:—

"IV No Seigneur shall hereafter concede any wild land, of a less extent than 40 superficial arpents, unless such concession be made for a town or village lot, or a site for building a mill or other manufacturing establishment (*autre usine*) or unless the said land be so circumscribed or situate as to prevent its being otherwise conceded than in less quantity than 40 superficial arpents."

Both these limitations of quantity (maximum and minimum alike) are strange to the old law of the country. Take the four grants of Seigniories, of date from 1713 to 1727, by which the Governor and Intendant sought to tie down the Seigneur most tightly as the terms on which he was to sub-grant (the King the while undoing what they so sought to do,) and what limitations do we find? You shall concede, said they, at such and such a rate per arpent of frontage by so many arpents in depth; but no word was said as to the whole size of the concession; no requirement thought of, that it should not as a whole contain more than 120 arpents nor less than 40. Among the grants *en censive* which I have had occasion to remark upon, was one (it may be remembered) of 1674, by the Jesuit fathers, of 40 arpents by 40. At all times, grants were made freely of all possible dimensions. No law or *arrêt* ever proposed in this respect to regulate or limit them. It is proposed at last to do so; to do so, by provisions that every where leave all possible room for fraudulent evasion by grantor or grantee, or both, and all possible latitude for the discretion (or indiscretion as the case may be) of the one Judge by whom all disputes about them are, summarily and without appeal, to be adjudged upon.

But I proceed to the Fifth and Sixth Sections; which read thus:—

"V. No Seigneur shall establish by any Deed or Contract of Concession, on any wild lands which shall hereafter be conceded, any rights, charges, conditions, or reservations other than that of having the land surveyed and bounded at the expense of the *concessionnaire*,—of keeping house and home on the land so conceded, within a year from the date of the Deed of Concession, and of payment by the *concessionnaire* of an annual rent not exceeding in any case the sum of *—* pence currency for every superficial arpent of the land conceded."

"VI. All such concessions shall be made in the terms of the form A annexed to this Act, or in terms of like import, and shall have the effect *ipso facto* of changing the tenure of the land therein mentioned, into *franc-aleu roturier*, and of freeing it for ever from all seigniorial rights and all other charges, except the annual rent mentioned in the section immediately preceding this section; which said rent shall be considered, for all legal purposes, as a constituted rent (*rente constituée*) redeemable at any time, representing the value of the immoveable charged therewith, and carrying with it the privileges of *baillieur de fonds*."

Again I read clauses of innovatory legislation. There never was law in force in the days of the French Government, that thus limited the con-

there. So far from it, the Seigneur by the terms of his own grant was commonly obliged to insert a number of other conditions limitative of his *censitaire's* rights. As to his own power of inserting more than he was so obliged to stipulate, there are conditions which the Seigneur might put into his grants, if the *censitaire* were willing to have them can be no question. I, of course, do not mean to say that the public law of the land at the present day will allow the stipulating of conditions of a servile character, or otherwise inconsistent with what is held to be public right; nor indeed, that stipulations ever could be made, in contravention of whatsoever might for the time be held as public law. But for practical purposes, such restrictions on the right of the Seigneur to stipulate on his own behalf in his concession deeds, was in former days next to nothing; and is still but slight. Within the limits allowed by the public law, which limits are tolerably wide, Seigniors and *censitaires* are in law masters to do as they will in the framing of their deeds. For the first time, it is here proposed to declare that they shall be so no longer; that the Seigneur, proprietor as he is, shall be told not merely that he may not grant any more "an so much or less than so much, but that he must grant this prescribed quantity on no other than certain prescribed conditions—the same probably not being those which by the terms of his grant he has heretofore been required to stipulate, whether he would or not,—and lastly, that he is to do all this, at a prescribed price in the shape of a yearly rent—the amount of which is in this Bill, as it yet stands, left in blank! The quantities in which, the conditions on which, I must alienate my land, I am told; but the price I am not yet told. It is not yet determined, I suppose; but the blank is satirically significant of an intention not to let it be extravagantly high.

One word of comparison between this proposal of a fixed rate—amount unknown—with that of M. Raudot in 1707 for something of the same sort, and which the King of France would not sanction. When Raudot proposed to compel Seigniors to grant at a rate that should be low, it was on the full understanding that the land was so to be granted subject to the right of *lods et ventes*. This is not here to be the case. And the difference is material; for upon grants *en censive* such as Raudot contemplated, the lower the *cens*, the higher would the *lods* be. If the land be burdened with rent to its full value, so as to yield no surplus profit to the holder, it will be worth nothing, will sell for nothing, will yield no *lods*. If on the other hand, the rent be small, the land at once becomes worth much, sells readily at a fair price, yields a fair return to the Seigneur in the shape of *lods*. Raudot proposed to take away on the one hand; but also at the same time to give on the other. This bill proposes that the rent shall be a certain sum of money,—a blank sum, small enough of course,—and that the land shall be held *en franc-aleu*, that is to say, by a tenure that shall yield no *lods* at all. Raudot's proposal, as we have seen, was too much an invasion of the right of property, to be acted on in those days. Is this proposal one to be acted on in these?

I look, too, at the form of the deed the Seigneur is to give,—annexed to this Bill. And I find that as a thing of course it requires of him as gran-