

The Seigneurs contend that, since the cession certainly, all have been free to make their bargains notwithstanding the arrêts referred to.

No tribunal has existed in Canada since the cession, such as enquired about in the twenty-second question of the Attorney General. No Court to-day exists having the power and jurisdiction of the tribunal created by the arrêt of 1711. So much the better for the censitaires, it is said, because "if no such Court has existed they will yet be in time to complain of illegal or oppressive rents;" as if, for such complaints, we had ever in Canada been without Courts! Before 1711 there were Courts competent to entertain and dispose of such complaints; up to the cession there were, and since there have been. The tribunal of the arrêt of 1711, as before remarked, had *no right*, and if it existed to-day would have none to entertain such demands; that *arrêt* was not needed to constitute tribunal for them, the tribunals then existing having power and jurisdiction sufficient for the purpose. For *actions rescisoires*, or *en nullité*, or in abatement of illegal rents, the Courts to-day—the Superior Court for instance—exists and has jurisdiction.

If high rents have been illegal, and reducible at any time since the cession, suits to have them declared illegal, or to have them reduced could always have been brought in the ordinary Courts.

The 39th and 41st Questions of the Attorney General enquire as to whether certain reservations and prohibitions contained in concession deeds are valid.

These reservations and prohibitions are all legal.

No Custom was more favorable to the censitaire than the *Coutume de la Rochelle*; yet it allowed all such reservations and servitudes.—Tom. i., pp. 37, 49, Valin.

In this Custom they adopted *lods* as *per* the Custom of Paris, at one-twelfth, yet allowed a higher rate of *lods* to be stipulated; as, in fact, was allowable also in the Custom of Paris, notwithstanding that the text of an article fixed them at one twelfth of the purchase money.—See *Grand Cout. Par.*, tom. i.

Valin, tom. i., p. 113.—"Avant toutes choses il ne sera pas indifférent d'observer néanmoins avec Brodeau sur l'art. 76 de Paris d'après Ricard sur le même article que par quelque convention particulière le seigneur peut être fondé à percevoir les lods et ventes à un taux plus avantageux pour lui; mais qu'il faut pour cela un titre valable."

High *cens*, or low ones, were allowed in the Custom of Paris, and *cens* might even be stipulated to be higher in some years than in others. [Arg. from the law, and from *Qu. d'Olive*, p. 189.]

The Seigneur in the Custom of Paris might reserve to re-enter into the land conceded whenever he liked.—Tom. 1, p. 1066, *Gr. Cout.*

To change the time and place for receipt of his dues he did not require the benefit of any reserve, but under such a reserve certainly he could change them.

No nullity is pronounced against any reservations, such as in the thirty ninth Question of the Attorney General referred to by the Custom of Paris, or any other law.

Titres particuliers make the best titles, and the first for the Seigneurs against their *censitaires*. The Custom is the Seigneur's second title. In the *nouveau Denisart*, tom. 7, Vo. "*Droits Seigneuriaux*," it is so stated:

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