

which have been cited as though they imported the revocation of the antecedent grants by the company. Many have thought that because the king said these grants were to be revoked, they were revoked. I admit, some were: indeed all those which do not at present subsist were no doubt taken possession of and granted again.

The first of these *Arrets* is of 1663, March 21, (page 135, of the Third Volume laid before Parliament). In it the king complains of the failure to settle the country and alleges: "that one of the chief causes for the said country not becoming so populous as he desired and even that several settlements had been destroyed by the Iroquois is to be found in the grants of large quantities of land which have been accorded to certain inhabitants of the said country, who never being able to clear their lands, and having established their residences in the middle of the said lands, have by this means found themselves placed at a great distance from each other, and, therefore, unable to succour or aid each other." And the *arret* goes on to say that, to prevent this evil, the king ordains that "within six months of the publication of the present *arret* in the said country all the inhabitants thereof shall cause to be cleared the lands contained in their concessions; or otherwise, in default of their so doing within the time mentioned, his Majesty ordains that all the lands not cleared shall be distributed by new concessions in the name of His Majesty; His Majesty revoking and annulling all concessions of land by the said company still remaining uncleared." It might be supposed that this meant something; but almost on the same day there will be found in the old edition of the *Edits et Ordonnances*, vol. 2, p. 26, a document directed to a M. Guadaix, a Commissioner of Inquiry. This is dated May 6th, 1663, and in it the king treats the injunction just mentioned as merely comminatory, and never intended to be carried out to the letter. "In case any of those to whom concessions have been made, set to work at once to clear them entirely, and before the expiration of six months as mentioned in the *arret*, shall have commenced to clear a good part, it is the intention of His Majesty, that on their petition, the Sovereign Council may grant a new term of six months only, which being ended he desires that all the above mentioned concessions shall be declared null." When the *arret* came to Canada, however, it appears that nothing was done with it: the Sovereign Council contented itself with merely having it communicated to the Syndic of the habitants before any thing was done upon it—*avant faire droit*. In fact nothing was done, except as to those concessions already referred to which were resumed and regranted.

In May 1661 the French king granted a new charter to the company of the West Indies, and shortly after this, was written one of the extracts of correspondence lately laid before this House. I feel it necessary to advert to this latter, to show that I have gone over the entire subject. The paper bears the names of de Tracy and Talon, who were at that time Governor and Intendant of the colony. They seem to have been framing a plan for regulating the concessions of lands, and they proposed:—

"That an ordinance be made, enjoining all inhabitants of the country, and all foreigners possessing lands therein, to declare what they possess, either in *fief* of liege homage or of simple homage, in *arrière-fief* or in *roture*, by a statement and acknowledgment (*dénombrement et aveu*) in favor of the West India Company, giving the conditions and clauses contained in their title-deeds so that it may be ascertained whether the Seigniors (*seigneurs dominants*) have not had anything inserted in the deeds given to them by the lords paramount (*seigneurs suzerains ou dominantissimes*) to the prejudice of the rights of sovereignty; and whether they themselves, in distributing the lands of their *fief* dominant to their vassals, have not exacted anything that may infringe on the rights of the crown and the subjection due only to the King."

"And to avoid any confusion and give the King a perfect knowledge of the changes which shall be effected each year in Canada, that it be ordered that in future no particular or general grant shall be made in the name of the West India Company, or on the part of the seigniors of *fiefs* who shall be distributing their *domaine utile* to *habitans*, unless, (and this as a condition of their validity,) the same be verified and ratified by the official having power from His Majesty, and be registered in the office of the domain of the said company; for whose benefit a land roll *terrier* shall be commenced forthwith."

They were under the impression that which had been made interfering with the rights of sovereignty; and under this impression it was—not to make the Seigniors throw a certain measure of doubt upon the validity of their so doing. Whatever might be intended, however, it would seem to have been a mere project which came to nothing.

A second *arret* has been cited as proving the zeal of the king to enforce the settlement of the country. This bears date in 1672, and was registered Sept. 13, 1672; it appears only in the old edition of the *Edits et Ordonnances* at page 60. This was issued just at the time when a new governor was coming out, and is really little more than an order to Mr. Talon the Intendant to make a land roll or *terrier*. It recites the too great size of the grants and the insufficient settlements, and then it directs that all proprietors should at once settle on their lands; failing to do which they were to be taken by the crown and regranted to others—not the whole of them, however, but half. The spirit of the *arret* was to say to the proprietors of lands, we see that you have got too much to settle; therefore half must be taken away from you; but the mere fact of this *arret* being issued showed that the preceding one of 1663 was merely comminatory and had not been acted upon. Nor was that of 1672, any more than the other, for almost immediately after, Talon granted a great number of Seigniories without going through any formality whatever, for reuniting to the domain of the crown any grants previously made.

A third *arret* on this subject, also directing the escheat of one half of all unsettled lands was issued in 1674, and directed to Mr. Duchesneau the then Intendant; but this again was merely comminatory and never acted upon. Then in 1676 joint powers were given to the Governor and