

first woke to political existence, at the moment when it seized on all the powers of the State. Here, we have a rural population, as easy in its circumstances, as respectable for every moral quality, as respectful of law and property, as any on the face of the globe. To liken our population to that of France in 1789, is a mistake as great as a man well can make; and one as well calculated, by the way, as anything can be, to destroy our character. The matter in dispute here, what is it? A question whether lands shall continue to pay a penny, two pence, two pence half penny—possibly a shilling—an arpent, of yearly rent. The system, unless as carrying with it *lods et ventes*, is not one of hardship. The burthens it imposes, are not heavily felt by those on whom they fall. That, upon public grounds, it were well to put an end to it, I do not question. But it were better it remained forever, than that it should be put an end to, unjustly,—at the cost of the character of the country. I say no word against the commutation of the Tenure. I desire it. My clients desire it. It can be effected, without involving them in loss. It ought, if done at all, to be so done. It must be so done.—They are not guilty trustees to be punished; but proprietors to be protected. They have the right to require that their property be protected. They have the right to except, they do most respectfully but firmly except, to the competency of this Legislature—of any Legislature—to destroy their vested rights, to give away what is theirs, to others. The great Judge, whose name perhaps more than that of any other is of the history of our Common Public Law, long ago laid down the maxim, as appearing from the books, that “in many cases the Common Law will control Acts of Parliament, and sometimes adjudge them to be void: For when an Act of Parliament is against Common Right and Reason, or repugnant or impossible to be performed, the Common Law will control it, and adjudge such Act to be void.” The tradition of that maxim of that great man has never been lost; but remains yet, a maxim of the Common Public Law, by the side even of that other tradition which holds that Parliament—the Imperial Parliament—is omnipotent, may do what it will. And most surely it is not too much for me to say, that this Parliament—a Parliament not Imperial—has not, at Common Law, the right to break contracts, to take from one man what is his, to give it to another.

My clients ask—I here ask for them—no preference or privilege over any class of our countrymen. They have no wish to go back towards that past, wherein they were judged by one tribunal, and their *Censitaires* by another; their position then the favorable one. But they do ask, that they be not carried into a future, wherein they shall be judged by one tribunal to their ruin, and their *Censitaires* by another to their own gain. They do ask—ask of right—that upon the Statute Book of this Province, as touching them and theirs, that only be declared which is true, that only enacted which is right. And pleading here this their cause, before this Honorable House, the Commons House of Parliament of this British Country of Canada,—appealing to this Country here represented,—recalling, too, the assurance but lately given as to this very matter from the Throne, and the answering pledge of the Country, signified through both Houses of its Parliament,—I have too firm faith in the absolute omnipotence, here and now, of the true and right, to be able to feel a fear as to the final judgment which the Country and the Crown shall pass upon it.