

"conceded, at the expense of the *cessionnaire*.

"3.—That of paying an annual rent (*redevance*) which shall not in any case exceed the sum of two pence currency for each superficial arpent of the land conceded, and which, in any seigniorie wherein the customary rents are below the said rate, shall not exceed the highest annual rent stipulated or payable in the said seigniorie.

"4.—That of exhibiting deeds of acquisition, executing new title deeds, (*titres nouveaux*) and paying mutation fines (*lods et ventes*) according to law.

"5.—That of grinding at the Banal mill the grain grown on the conceded land, and intended for the use of the family or families occupying the same.

"6.—The right of the Seigneur to take back (*retraite*) the land conceded, in all cases of fraudulent sale, or mutations made with a view to defraud such Seigneur, or in such manner as to deprive him of the whole or of part of the *lods et ventes*, or other just rights.

"7.—The right of the Seigneur to take in, any part of his *censive*, and as often as the case may happen, a parcel of land for the construction of a Banal mill and its dependencies, not exceeding six superficial arpents, on payment by him to the proprietor, of the value of the land and expenses.

*Ex post facto* legislation again. In I know not how many thousands of deeds, are contained no one knows how many clauses in favor of Seigniors, freely agreed to, at all dates through the last two centuries. There are clauses too, of course, not always alike, in favor of the *censitaire*. None of these latter are to be touched. But as to the former, though it is most certain that they are not clauses repudiated by the law as it stands, law is to be manufactured to sweep them all away, saying only the seven I have read. Did I say, saying such seven? Saving even them—how?

Why, as to the obligation to keep hearth and home, we have seen that this Bill propose to declare that it shall be held to import no more than the duty of reserving the land for firewood.

That of surveying the land, being no great matter, is left to its natural meaning.

That of paying rent, at a rate often less than the deed promises, is curiously stated. The grantee is to remain under our obligation to pay a rent, never to exceed one fatal two pence currency of money; but in any Seigniorie where most rates are below that figure, the payments to be made are not to exceed the highest rate known in the Seigniorie! Of course they cannot. They are to be cut down everywhere to the two pence; and sometimes, if this clause means anything at all, they are to be cut down to some lower standard. But, to what?

The exhibiting of deeds, passing of new deeds, and paying of *lods*, according to law, are all proper acts; but with the right of *retrait* practically lost, they are little likely to be too punctually performed.

As for the banality and *retrait* clauses, I have shown that in the shape they are to assume, they are worthless. Like most other things that might be worth the Seigneur's keeping, they are to go. They may save appearances, to take them without

exactly saying so; but the substance of the act is all the same.

And lastly, there is to be left the power (wherever stipulated) to take not more than 6 arpents for a new banal mill, due payment first made, of course, the supposed payee being a *censitaire*. A likely thing, the building of a new banal mill; after banal mills shall have been made what this Bill would make them.

Is this style of Legislation possible? It is not true, the bold assumption, that the contracts thus all swept aside, are contracts that the law can disallow. They are legal; binding. If they were not, no statute would be wanted to put them out of the way. They cannot be legislated away, merely because one of the two classes of men, parties to them, is more powerful than the other.

The last clause of this part of the Bill, is the forty-second; and reads thus:—

"XLII. And whenever a Corporation shall have acquired lands *en roture* and shall have paid the indemnity (*indemnité*) to the Seigneur, no *lods et ventes* shall thereafter be payable on any mutation of the same land."

I say no more of it, than this. As the law stands, if land held *à cens* be acquired by a Corporation, the Seigneur has his right to this indemnity; and if it be afterwards sold, he has his right to *lods et ventes*. This clause is the taking away of one thing more,—a smaller thing than many,—but something. It is in keeping with its predecessors.

The fifth part of the Bill follows; from the forty third to the seventy second Sections; the portion of the bill which takes up the matter of the Commutation of the Tenure of lands held *à cens*.

The first Section of the Bill, it will be remembered, has proposed to repeal the Acts, under which at present Seigneur and *Censitaire* can agree as to terms for such Commutation, and can carry into effect their agreement, whatever it may be. These Sections contain no provisions of that character. The *Censitaire* individually, or the *censitaires* of a Seigniorie collectively, may be willing to make their bargain with me, and I with them. But under this Bill, no such thing may be. The terms of the transaction are all fixed for us. And how?

By the forty third and forty fourth Sections, we are told that any holder of land *en roture* may commute his tenure, on paying in the way to be designated by after clauses, the price of the redemption of his Seigneur's rights,—that is to say, firstly, of the Seigneur's fixed rights (whether in kind, money, labor, or otherwise) and banality,—and secondly, of his casual rights or *lods et ventes*.

The forty fifth and forty sixth Sections provide for the appointment by Government, of three Commissioners; to be sworn before a Justice of the Peace, and paid as the Governor shall direct. It is not said, that they are to be professional men of any particular standing, or indeed professional men at all; yet we shall see presently, that they had need be lawyers of high mark; for they will have (or rather, each by himself will have) to decide knotty questions of law in abundance,—to interpret thousands upon thousands of deeds, or rather first to interpret and then alter their interpretation as this Bill directs,—to pronounce on the rights of